ZBA

PACKET

THURSDAY

JUNE 10, 2021

1pm *via* ZOOM WEBINAR[1]

REGISTRATION LINK:
https://us06web.zoom.us/webinar/register/WN_qhYKz5mERqy8AAOaYA4HRA

To view the LIVE broadcast of the meeting, see YouTube Link at
https://youtu.be/Y1EEKV9B41Q

---

[1] Participation in Public Comment will be available through Zoom Webinar. You must register in advance in order to participate. Use the link above to register for Zoom participation. Contact eantonietti@nantucket-ma.gov with any questions.*

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

Agenda
(Subject to Change)
Thursday, June 10, 2021
1:00 PM
www.nantucket-ma.gov

*Participation in Public Comment will be available through Zoom Webinar. You must register in advance in order to participate. Use the link below to register for Zoom participation. Contact **eantonietti@nantucket-ma.gov** with any questions.*

1

ZOOM WEBINAR REGISTRATION LINK:
https://us06web.zoom.us/webinar/register/WN_qhYKz5mERqy8AAOaYA4HRA

To view the LIVE broadcast of the meeting, see YouTube Link at
https://youtu.be/Y1EEKV9B41Q

I. CALL TO ORDER:

II. APPROVAL OF THE AGENDA:

III. APPROVAL OF THE MINUTES:

Pages 6 - 11

- April 8, 2021
- May 13, 2021

IV. OLD BUSINESS (CONTINUED PUBLIC HEARINGS AND VOTES MAY TAKEN)

Pages 13 - 160

- 30-19 Habitat for Humanity Nantucket, Inc. Benjamin Drive project Holland *CONFIRMATION of Modification of prior Comprehensive Permits* – Miacomet Village 40B The Applicant requests confirmation of the 2019 approval to modify prior Comprehensive Permits, granted in accordance with Massachusetts General Laws ("M.G.L.") Chapter 40B, pursuant to 760 CMR 56.05. Although the subject property is permanently deed-restricted for the purpose of providing affordable year-round housing, the Applicant seeks to have the approved units contribute

to the required 10% Subsidized Housing Inventory ("SHI") for the Town. The Department of Housing and Community Development ("DHCD") has determined that a Local Initiative Program is the proper method to include the units on the SHI list. After conducting a site visit, DHCD issued a Project Eligibility Letter ("PEL") on May 7, 2021. With a complete hearing process consisting of proper abutter notification and public comment having taken place in 2019, and with the issuance of the PEL, the Applicant is requesting the Board confirm and reissue the Decision in File No. 30-19, recorded at Book 1737, Page 20, on file at the Nantucket County Registry of Deeds, with a current date in order to establish both the bona fide permit and date of eligibility for inclusion on the SHI and toward certification, per DHCD guidance. With this, it is anticipated that the units will contribute to Nantucket's next period of Safe Harbor relative to M.G.L. Chapter 40B. The property is situated within the Miacomet Village, a 40B subdivision approved and modified in Comprehensive Permit Decisions numbered 025-86, 050-86, 030-94, 110-93, and 17-97. Locus is shown as Lots 17B & 17C on Plan No. 2020-13. Evidence of owner' title is in Book 1823, Page 230. The site is zoned Limited Use General 2 (LUG-2).

- 06-21 Jayne C. Debiasio & Brian F. Debiasio 39 Meadow View Dr. Reade
  CONTINUED TO JULY 8, 2021

Page 162

Applicants are seeking to further modify prior relief by Special Permit (Decision File No. 030-11 as modified by File No. 25-19). The 2011 decision permitted a reduction of the sideline setback from 10 feet to 5 feet in order to construct a garage/studio within the northerly side yard setback and was subject to certain conditions. Specifically, Applicants request elimination of condition 'a.' that the "studio shall not be for human habitation". Applicants have obtained Planning Board approval to convert the structure into a secondary dwelling. Locus is situated at 39 Meadow View Drive, shown on Assessor's Map 56 as Parcel 133, and as Lot 50 upon Land Court Plan 14830-O. Evidence of owner's title is registered on Certificate of Title No. 23121 with the Nantucket County District of the Land Court. The site is zoned Residential Twenty (R-20).

2

V. NEW BUSINESS (INITIAL PUBLIC HEARINGS AND VOTES MAY BE TAKEN):

- 10-21 Brian Rice and Robert Goldrich 41 Crooked Lane Cohen
  Action Deadline August 18, 2021

Pages 164 - 202

Applicant requests relief by Variance pursuant to Section 139-32 for a waiver from the front yard setback provisions in Section 139-16. The applicant proposes to construct a 384 SF detached garage in the existing driveway as close as 18' from the front yard lot line where 30' setback distance is required. The proposed encroachment is further back than the pre-existing nonconforming main dwelling which is sited as close as 3.6 feet from the front yard lot line. The Locus is constrained by wetlands such that there is no location for the garage that is outside both the 50' buffer and the front yard setback. The Locus is situated at 41 Crooked Lane, is shown on Nantucket Tax Assessor's Map 41 as Parcel 202, and as Lot 2 on Land Court Plan 32312-B and Lot 6 on LCP 32313-C. Evidence of owner's title is registered as Certificate of Title No. 20897 in the Nantucket County District of the Land Court. The site is zoned Residential – 20 (R-20).

- 11-21 Gregory Siemon Swart and Ann Cameron Kalb Swart, Tr. of Swart 2004 Trust
  Action Deadline September 8, 2021 94 Quidnet Rd. Cohen

Pages 203 - 222

Applicant requests relief by Special Permit pursuant to Zoning By-law Section 139-33.A(2) to allow the alteration and expansion of a pre-existing nonconforming dwelling on an undersized lot. Specifically, applicant proposes to construct a roughly 142 SF single story addition to the main

dwelling, resulting in an increase of the pre-existing nonconforming ground cover from 1,597 SF to 1,739 SF, increasing the ground cover ratio from 21.7% to 23.6% where maximum allowed is 12.5% or 1,500 SF pursuant to Section 139-33.E. The Locus is situated at 94 Quidnet Road, is shown on Tax Assessor's Map 21 as Parcel 107, and as Lot 1 on Land Court Plan 8606-A and Lot 31 on LCP 8606-B and as unregistered land on Plan Book 20, Page 19. Evidence of owner's title is registered as Certificate of Title No. 26749 in the Nantucket County District of the Land Court and recorded in Book 1628, Page 272 on file at the Nantucket County Registry of Deeds. The site is zoned Residential 20 (R-20) and Limited Use General 3 (LUG-3).

- 12-21 Wisentaner, Inc. 25 & 27 Young's Way Wisentaner
  Action Deadline September 8, 2021

Pages 223 - 246

Applicant requests amendment of prior Special Permit relief granted in Zoning Board of Appeals File No. 037-12. Specifically, Applicant seeks to modify the relief and certain conditions therein to 1) eliminate the requirement for a lease and the related conditions as the lots are in common ownership; 2) convert a portion of the existing parking lot to an outdoor turf fitness area to allow for appropriate social distancing during the pandemic; 3) request waivers, to the extent necessary, from parking requirements in Section 139-18 and open area requirements in Section 139-16.E; and 4) substitute an updated Site Plan as new "Exhibit A." The Locus is situated at 25 and 27 Young's Way, is shown on Tax Assessor's Map 67 as Parcels 688 and 689, and as Lots 24 and 23 on Plan No. 2003-10. Evidence of owner's title is recorded in Book 1323, Page 115 and Book 1607, Page 179 on file at the Nantucket County Registry of Deeds. The site is zoned Commercial Trade, Entrepreneurship and Craft (CTEC).

3

VI. OTHER BUSINESS: (Votes may be taken)

VII. ADJOURNMENT (VOTE WILL BE TAKEN)

MINUTES

ZONING BOARD OF APPEALS

2 Fairgrounds Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Susan McCarthy (Chair), Lisa Botticelli (Vice chair), Ed Toole (Clerk), Michael J. O'Mara, Kerim Koseatac
Alternates: Mark Poor, Geoff Thayer, Jim Mondani

~~ MINUTES ~~

Thursday, April 8, 2021

This meeting was held via remote participation using ZOOM and YouTube,
Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law

Called to order at 1:00 p.m. and announcements made by Ms. McCarthy
Staff in attendance: Eleanor Antonietti, Zoning Administrator
Attending Members: McCarthy, Botticelli, Toole, Koseatac, Poor, Thayer, Mondani
Absent: O'Mara
Early departure: Botticelli, 2:33 p.m.

I. NEW BUSINESS

1. 06-21 Jayne C. DeBiasio & Brian F. DeBiasio 39 Meadow View Drive Reade

Applicants are seeking to further modify prior relief by Special Permit (Decision File No. 030-11 as modified by File No. 25-19). The 2011 decision permitted a reduction of the sideline setback from 10 feet to 5 feet in order to construct a garage/studio within the northerly side yard setback and was subject to certain conditions. Specifically, Applicants request elimination of condition 'a.' that the "studio shall not be for human habitation". Applicants have obtained Planning Board approval to convert the structure into a secondary dwelling. Locus is situated at 39 Meadow View Drive, shown on Assessor's Map 56 as Parcel 133, and as Lot 50 upon Land Court Plan 14830-O. Evidence of owner's title is registered on Certificate of Title No. 23121 with the Nantucket County District of the Land Court. The site is zoned Residential Twenty (R-20).

Voting	McCarthy, Botticelli, Toole, Koseatac
Alternates	Poor, Thayer, Mondani
Recused	None
Documentation	File with associated plans, photos and required documentation
Representing	Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP Brian DeBiasio, owner
Public	None
Discussion	**Reade** – This is to remove the condition that the studio "shall not be for human habitation" to allow it to become a secondary dwelling. The condition was connected to the septic; the site is now on Town sewer. **Antonietti** – Confirmed the Planning Board approved the change though the decision has not yet been filed. **McCarthy** – Reviewed the 2019 decision in which the other three conditions were removed. It seems that if it hadn't been for the septic, a secondary dwelling would have been allowed. She has no concerns. **Toole** – Asked if there is a reason that it was tucked into the corner and not placed outside the setback. **McCarthy** – She agrees at first it seemed like an attempt to come back for more and more; but now with Town water and sewer, this makes more sense. **Reade** – The building envelop is constrained by wetlands. Reviewed the site plan showing the wetland boundaries. It now meets all Planning Board requirements as a secondary dwelling. There is no basement. **DeBiasio** – The structure is within the 50-foot boundary and wouldn't be allowed today; at that time, this is where the Conservation Commission (ConCom) allowed the structure. **McCarthy** – Suggested limiting it to one bedroom. **Mondani** – Confirmed that Town water and sewer were added after the 2011 decision. He counts 5 structures on the property; asked if that is by right. **Reade** – Yes, we aren't over groundcover. **Botticelli** – One structure is excluded from groundcover. **Toole** – Asked when the other structures were built. **DeBiasio** – We purchased the property in 2008 and those structures were existing; we had two storage sheds removed. We had ConCom permission to rebuild the shed that is within the 25-foot buffer. **Toole** – Wants evidence that ConCom permitted the rebuild of the shed. **Antonietti** – The 2011 Order of Conditions pertains to construction of a studio/game room outside the 50-foot wetland buffer as well as removal of dead trees, replanting with native vegetation, and on-going maintenance of the existing structure. **Toole** – He isn't hearing anything that permits "rebuilding" that shed. It is positioned on the wetland line. He wants to see they had permission to rebuild that shed in that location before we permit something else. **Botticelli** – It makes sense to know it is being presented accurately with permission. As part of the decision, we would have to have proof it was granted by the ConCom. The zoning shed doesn't show up in 2011 but does show up in 2019.

PROPOSED

Toole – We don't know when it was taken down and when it was rebuilt.
McCarthy – Would like to continue this until we know the zoning shed was properly permitted.
Antonietti – In a 2007 aerial, it looks like there is a structure there.
Botticelli – It isn't there in 1998 but shows up in 2006 and 2007. It's not there in 2011 and looks like a pile of rubble in 2014 and is back in 2018 but more rectangular.
Toole – You can't do that without permission; if you have proof of permission, he wants to see that.
Reade – At this point we need to continue to get to the bottom of the situation, though it isn't a zoning issue.
Mondani – Asked if the groundcover numbers have been updated; it's not clear to him.
Reade – Jeff Blackwell, Blackwell & Assoc., plan included in the packet has the current groundcover.
DeBiasio – When we bought the property, there were 5 sheds on the property, now there are 3.
McCarthy – You would need ConCom permission to have removed and rebuilt the shed in that location. It isn't on the 2011 plan, so our decision was based upon "incomplete" information. We want to ensure all appropriate steps have been taken.
Antonietti – This applicant was before us in 2019 to modify other conditions; that shed was shown on that plan. That 2019 modification relative to the structure being applied for now was allowed with the shed in place.
McCarthy – All we were doing was taking off the conditions against a bathtub or shower and allowing the ridge height of 23.3' and it ended up being 5.3' from the setback as opposed to 5.5'.
Antonietti – This is not a zoning issue and we weren't concerned in 2019.
McCarthy – Sees no harm in bringing this up.
Toole – Thinks there is no harm in protecting other boards; would like to think they would do the same for us.

Motion	**Motion to Continue to May 13th meeting.** (made by: Toole) (seconded)
Roll-call vote	Carried 5-0//McCarthy, Botticelli, Toole, Koseatac, and Thayer-aye

2. 07-21 William S. Cowzer & Aisling L. Cowzer 32 Equator Drive Williams

Applicants are requesting Modification of a previously issued Special Permit in the Decision in ZBA File No. 106-93 granted pursuant to Zoning By-law Section 139-16.C(1) in order to reduce the required southwesterly side yard setback from 10 feet to 6.6 feet to validate the siting of an existing bulkhead. A Modification was granted in the Decision in ZBA File No. 16-14 to construct an exterior "walk-down" set of stairs in place of the bulkhead, reducing the setback to 5.4 feet at its closest point. However, as the Special Permit was never exercised within the statutorily required 3-year time period, relief has arguably expired. Applicants are now seeking the same relief in the form of a Modification of the Decision in File No. 106-93 for the same project. The Locus is situated at 32 Equator Drive, is shown on Assessor's Map 56 as Parcel 340, and as Lot 80 upon Land Court Plan 35397-G. Evidence of owner's title is registered on Certificate of Title No. 23394 with the Nantucket County District of the Land Court. The site is zoned Residential 20 (R-20).

Voting	Botticelli, Toole, Poor, Thayer, Mondani
Alternates	McCarthy
Recused	Koseatac
Documentation	File with associated plans, photos and required documentation
Representing	Linda Williams Williams & Aisling Cowzer, owners
Public	None
Discussion	**Williams** – This relief was granted for a walkdown to be a 5.4'; that special permit expired, so this is the same request. Currently it is just a bilko. Only condition was no further construction in the setback without permission. **Thayer** – He has no concerns; we granted the permit. **McCarthy** – Nothing is changing except the date.
Motion	**Motion to Grant relief as requested. (made by: Botticelli) (seconded)**
Roll-call vote	Carried 5-0//Toole, Botticelli, Poor, Thayer, and Mondani-aye

3. 08-21 EBWC, LLC 4 Lincoln Avenue Beaudette

Applicant is requesting relief by Special Permit pursuant to Zoning By-law Section 139-33.A to allow for the extension, alteration, and change of a dwelling which is pre-existing nonconforming as to height. In the alternative and to the extent necessary, Applicant requests relief by Variance pursuant to Section 139-32. Specifically, Applicant proposes to construct an addition to the dwelling with a ridge height extending from the pre-existing nonconforming ridge height. As a result of the project as proposed, the height nonconformity will decrease slightly. The Locus is situated at 4 Lincoln Avenue, is shown on Assessor's Map 30 as Parcel 151, as Lot 1 upon Land Court Plan 33167-B. Evidence of owner's title is registered on Certificate of Title No. 27906 with the Nantucket County District of the Land Court. The site is zoned Residential One (R-1).

Voting	McCarthy, Toole, Koseatac
Alternates	Poor, Thayer, Mondani
Recused	Botticelli
Documentation	File with associated plans, photos and required documentation
Representing	Richard Beaudette, Vaughn, Dale, Hunter, Beaudette, and Swain P.C.,
Public	None
Discussion	**Beaudette** – This is an oversized lot; the historic structure is 32.79', in excess of maximum height allowed in the bylaw. Want to put on an addition to the rear of the property. The back slope will be graded reducing the height in the rear to 32.46' and making the height slightly less nonconforming. Don't believe it is substantially more detrimental to the neighborhood.

Toole – Asked about the HDC approval and asked if there was proof of that.

PROPOSED

Beaudette – Believes that the HDC approved this through staff.
Thayer – He'd like to see proof of that approval first. Doesn't know if we can grant contingent on HDC approval.
McCarthy – She can't read any text on page 61; this is the elevations. She's not so concerned but would like to see the HDC approval before we go forward.
Toole – He agrees, and there is no great hurry.
McCarthy – Suggested the plans be emailed to the members in advance of the meeting.
Beaudette – These might be the revised plans showing the conditions of the approval.
Toole – We don't know that.

Motion	**Motion to Continue to May 13th.** (made by: Toole) (seconded)
Roll-call vote	Carried 5-0//McCarthy, Toole, Thayer, Poor, Koseatac-aye

II. OTHER BUSINESS

1. Toole – Asked if there is a timeline for when the meetings go back into being in person.
   Antonietti – She hasn't heard anything. It's up to Governor Baker.
   McCarthy – She feels there is enough separation to hold the meeting with social distancing.

III. ADJOURNMENT

Motion	**Motion to Adjourn at 2:03 p.m.** (made by: Koseatac) (seconded)
Roll-call vote	Carried 5-0//McCarthy, Toole, Koseatac, Thayer, and Mondani-aye

Sources used during the meeting not found in the files or on the Town website:

1. None

Submitted by:
Terry L. Norton

PROPOSED

ZONING BOARD OF APPEALS

2 Fairgrounds Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Susan McCarthy (Chair), Lisa Botticelli (Vice chair), Ed Toole (Clerk), Michael J. O'Mara, Kerim Koseatac
Alternates: Mark Poor, Geoff Thayer, Jim Mondani

~~ MINUTES ~~

Thursday, May 13, 2021

This meeting was held via remote participation using ZOOM and YouTube, Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law

Called to order at 1:04 p.m. and announcements made by Ms. Botticelli

Staff in attendance:	Eleanor Antonietti, Zoning Administrator; Terry Norton, Town Minutes Taker
Attending Members:	Botticelli, Toole, O'Mara, Poor, Thayer, Mondani
Absent:	McCarthy, Koseatac
Late Arrivals:	Toole, 1:44 p.m.
Early Departures:	Botticelli, 1:44 p.m.

I. APPROVAL OF MINUTES

1. February 11, 2021
2. March 11, 2021

Motion	**Motion to Approve.** (made by: O'Mara) (seconded)
Roll-call vote	Carried unanimously//O'Mara, Mondani, Thayer, Poor, and Botticelli-aye

3. April 8, 2021

Motion	**Tabled to June 10th meeting.**
Roll-call vote	N/A

II. OLD BUSINESS

1. 11-20 Peter J. Mackay & Alison Mackay and David P. Mackay & Anne M. Phaneuf, Tr., Mackay/Phaneuf Family Trust
Request to WITHDRAW WITHOUT PREJUDICE 21 & 25 Monohansett Road Alger

Voting	Botticelli, O'Mara, Poor, Thayer, Mondani
Alternates	None
Recused	None
Documentation	File with associated plans, photos and required documentation
Representing	Sarah Alger, Sarah F. Alger P.C.
Public	None
Discussion	None
Motion	**Motion to Accept the Withdrawal without Prejudice.** (made by: O'Mara) (seconded)
Roll-call vote	Carried unanimously//O'Mara, Mondani, Thayer, Poor, and Botticelli-aye

2. 06-21 Jayne C. Debiasio & Brian F. Debiasio 39 Meadow View Drive Reade
Request to CONTINUE TO JULY 8, 2021

Voting	Botticelli, Poor, Thayer, Mondani
Alternates	None
Recused	None
Documentation	File with associated plans, photos and required documentation
Representing	Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
Public	None
Discussion	None
Motion	**Motion to Continue to July 8, 2021.** (made by: Mondani) (seconded)
Roll-call vote	Carried 4-0//Mondani, Thayer, Poor, and Botticelli-aye

PROPOSED

4. 08-21 EBWC, LLC 4 Lincoln Avenue Beaudette

Applicant is requesting relief by Special Permit pursuant to Zoning By-law Section 139-33.A to allow for the extension, alteration, and change of a dwelling which is pre-existing nonconforming as to height. In the alternative and to the extent necessary, Applicant requests relief by Variance pursuant to Section 139-32. Specifically, Applicant proposes to construct an addition to the dwelling with a ridge height extending from the pre-existing nonconforming ridge height. As a result of the project as proposed, the height nonconformity will decrease slightly. The Locus is situated at 4 Lincoln Avenue, is shown on Assessor's Map 30 as Parcel 151, as Lot 1 upon Land Court Plan 33167-B. Evidence of owner's title is registered on Certificate of Title No. 27906 with the Nantucket County District of the Land Court. The site is zoned Residential One (R-1).

Voting	Toole (acting chair), Poor, Thayer, Mondani
Alternates	None
Recused	Botticelli, O'Mara
Documentation	File with associated plans, photos and required documentation
Representing	Richard Beaudette, Vaughn, Dale, Hunter, Beaudette, and Swain P.C.,
Public	None
Discussion (1:46)	**Beaudette** – This was held so we could get the Historic District Commission (HDC) approval; that has been submitted into the packet. Reviewed the request. **Antonietti** – The HDC approval is in the packet on pages 29-36. **Mondani** – Regarding the site plan, asked that the distance of the rear studio from the lot line be shown on the plan. **Beaudette** – It is a future structure, but the distance can be added to the plan. **Antonietti** – This isn't a complete demolition of the structure. **Toole** – Occasionally, the project will creep up in height. There should be certification that the height will be no different than as noted on the HDC approval. **Antonietti** – It can be conditioned that to get the Certificate of Occupancy, the height must be certified. **Beaudette** – A little fill will be added to level out where the grade drops resulting in a 32'3.75" ridge height from grade. **Antonietti** – On pages 31 & 32, the elevations show the existing grade and proposed grade. **Thayer** – The ridge height must stay the same as approved by the HDC. **Antonietti** – A neighbor sent an email after the last hearing; she responded and has not heard back. Asked if there would be a construction moratorium on this; you would normally do that in R1.
Motion	**Motion to Approve the relief as requested with no exterior construction between Memorial Day and Labor Day and with the provision that before issuance of the Certificate of Occupancy, the ridge height be certified as no higher than as approved by the HDC.** (made by: Thayer) (seconded)
Roll-call vote	Carried 4-0//Thayer, Mondani, Poor, and Toole-aye

III. NEW BUSINESS

1. 09-21 Shannah Green 49 Fairgrounds Road Alger

Applicant requests amendment of previously granted Special Permit relief, recently amended by the Planning Board to permit creation of a secondary residential lot, to allow use of a seasonally covered deck for outdoor classes. Specifically, Applicant seeks to modify the relief and its conditions to: 1) permit classes to be conducted outside to allow for appropriate social distancing during the pandemic; and 2) substitute an updated Site Plan as new "Exhibit A." The Locus is situated at 49 Fairgrounds Road, is shown on Tax Assessor's Map 67 as Parcel 306, and Lots 56 and 57 upon Land Court Plans 34507-H and 34507-I. Evidence of owner's title is registered as Certificate of Title No. 16996 in the Nantucket County District of the Land Court. The site is zoned Residential 10 (R-10).

Voting	Botticelli, O'Mara, Poor, Thayer, Mondani
Alternates	None
Recused	None
Documentation	File with associated plans, photos and required documentation
Representing	Sarah Alger, Sarah F. Alger P.C. Shannah Green, applicant
Public	Robert Bates, abutter
Discussion (1:13)	**Alger** – Explained the reasons for the request for a seasonally covered deck. Ms. Green is adhering to all the COVID restrictions for her Yoga classes. One abutter has a concern; she thinks most of those can be addressed. Doesn't believe anything planned will be any more of a nuisance to the neighborhood than mowers or conversations. The recently approved secondary lot will not impact this request. She is currently allowed to have indoor classes only. **O'Mara** – Noticed the "seasonal"; asked the proposed dates. **Green** – She will open about June 20th and will close around Columbus Day or before. **Thayer** – Asked if the classes would be moved to inside when it is allowed. **Green** – Over the winter, classes will go back inside. She'd love to keep the deck but if that is problematic, she will remove it once COVID restrictions are lifted; right now, it's the only way she can run her business. **Thayer** – Asked if she has a building permit for the deck. **Green** – Last March, she was told by someone in the Building Department that a building permit wasn't necessary since it is a temporary structure.

PROPOSED

Thayer – If it is a temporary structure and there is no building permit, once you can go back to full interior occupancy, you have to move back inside. To continue using the deck, you would have to get another permit.
Alger – That would be the next step.
Botticelli – Regarding the parking, asked if interior and deck would be used simultaneously.
Alger – No, they are limited to 15 students at a time by the Special Permit. We aren't asking for any change on that.
Mondani – Asked for confirmation that this amendment is not impacted by the Planning Board A&R decision.
Alger – No; the Planning Board has jurisdiction over the secondary lot. The underlying special permit allowing the secondary lot is something ZBA has jurisdiction over. This request is to allow classes to be held outside on the deck instead of inside.
Botticelli – The original 2000 Special Permit is on Page 55 of the packet; it specifies 15 students.
Antonietti – Also, there is an assumption that no recreational and exercise activities would be taking place exterior to a structure dedicated to that purpose.
Discussion about how this request differs from indoor/outdoor dining for a restaurant.
Alger – With a neighbor having a concern, it seems prudent to get the outdoor classes permitted rather than Ms. Green getting a zoning violation.
Bates – He and his neighbors' concern is the advertising pushing healing arts, which includes "sound baths" on the deck; sound baths include percussion and voice sounds. Last summer, he could hear the music. We don't know if the deck was built for commercial use; there is no safety plan; and he doesn't think the deck is large enough to allow social distancing.
Botticelli – Where is the noise addressed in the prior permit.
Alger – It's in the 2000 original permit, "No music will be played that can be heard beyond the lot line of the premises." The music is not amplified.
Green – The sound bath might be a one-time event. The music for the yoga class is meditative and much less impactful than grilling, lawn mowers, parties, and children. Feels the noise concern is ludicrous.
Thayer – He would allow this until we go back to full occupancy; then the operation should move back inside.
Mondani – Agrees. Noted that the permit says, "music coming from inside the studio." Noise is noise, and everyone has a different tolerance. He's willing to allow it until restrictions are lifted.
Antonietti – Could re-review it after COVID restrictions are lifted. The Planning Board will often revisit a Special Permit a year after it is issued to ensure compliance and that abutters have no concerns about the impact of what is permitted.
Green – The other two neighbors, the Hortons and St. Peters and are her closest neighbors, are supportive of using the deck this season and for the long term with the placement of screening. She will take the approval for this season then seek permanent approval later. She has a tarp for the purpose of shading and rain.
Discussion on the motion
Thayer – If COVID restrictions go beyond October 15, 2021, he would like to see them come back with a more permanent plan

Motion	**Motion to Approve the request until such time as COVID restrictions require the owner to move the operation inside or October 15th, whichever is earlier.** (made by: Mondani) (seconded)
Roll-call vote	Carried unanimously//Mondani, Thayer, O'Mara, Poor, and Botticelli-aye

IV. OTHER BUSINESS

1. Antonietti – Announced she is leaving this position on June 11th.

V. ADJOURNMENT

Motion	**Motion to Approve. 1:58 p.m. (made by: Mondani) (seconded)**
Roll-call vote	Carried unanimously//Thayer, Toole, O'Mara, Mondani, and Poor-aye

Sources used during the meeting not found in the files or on the Town website:
1. Draft minutes February 11, March 11, and April 8, 2021

Submitted by:
Terry L. Norton

PROPOSED

OLD

BUSINESS

UPDATED DOCUMENTS FOR ZBA RATIFICATION

JUNE 10, 2021

MIACOMET VILLAGE 40B

MODIFICATION OF PRIOR COMPREHENSIVE PERMITS

FILE No. 30-19

BENJAMIN DRIVE

Nantucket Affordable Housing Trust

c/o Town Administration, 16 Broad Street, Nantucket, MA 02554
p: 508-228-7200

Trust Members
Brian Sullivan, Chair & Real Estate Representative (2022)
Brooke Mohr, Vice Chair & Member-at-Large (2021)
Penny Dey, Housing Authority Representative (2021)
Kristie Ferrantella, Select Board Representative (2021)
Dave Iverson, NP&EDC Representative (2021)
Allyson Mitchell, Member-at-Large (2022)
Reema Sherry, Member-at-Large (2022)

Staff Support
Tucker Holland, Municipal Housing Director
Eleanor Antonietti, Zoning Administrator & Land Use Specialist

Zoning Board of Appeals
JUN 03 2021
RECEIVED

Dear Members of the ZBA,

We are requesting that at its June 10th, 2021 meeting, the ZBA confirm its decision to grant a comprehensive permit modification to benefit Habitat for Humanity for the creation of three housing units (one duplex and one single family home) at Benjamin Drive. We would concurrently ask that the Chair be authorized to sign all related documentation as to recording this decision with appropriate attachments (see below).

As the ZBA may be aware, Habitat has been working diligently to have all of the housing it creates going forward to be included on the Town's Subsidized Housing Inventory ("SHI" – the state 10% requirement). The Department of Housing and Community Development ("DHCD") has been advising and working closely with Habitat on this effort.

DHCD ultimately determined that the way to include these units on the Town's SHI is through the Local Initiative Program. DHCD conducted a site visit on May 4th and issued a Project Eligibility Letter ("PEL") on May 7th, 2021. With a complete hearing process with proper abutter notification and public comment having taken place prior, and with the DHCD PEL now in hand, we are requesting the Board simply confirm the decision to approve this comp permit modification and record same with a current date thereby establishing both the bona fide permit and date of eligibility for inclusion on the SHI and toward certification, per DHCD guidance. With this, it is anticipated that these units will contribute to Nantucket's next period of Safe Harbor relative to Chapter 40B of the Massachusetts General Laws.

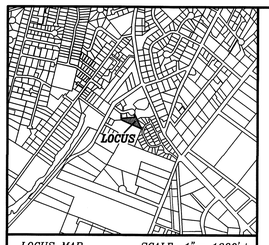
With thanks to DHCD, and both Zoning Administrator Eleanor Antonietti and Town Counsel George Pucci, for their guidance in this matter, attached to this letter are:

- Copy of original 1986 Miacomet Village Comp Permit and earlier Comp Permit modifications
- Copy of the 2020 Comp Permit modification approval for Habitat 3-unit Benjamin Drive project
- Copy of May 7, 2021 PEL letter from DHCD for Habitat Benjamin Drive project

We plan to attend the June 10th ZBA meeting to the extent helpful in answering any questions. Please let us know if anything additional would be helpful.

With best regards,

Tucker Holland, Municipal Housing Director
Gerry Keneally, Nantucket Habitat for Humanity Board Chair



LOCUS MAP SCALE: 1" = 1280'±

CURRENT ZONING CLASSIFICATION:
Limited Use General 2 (L.U.G.-2)

MINIMUM LOT SIZE:	80,000 S.F.
MINIMUM FRONTAGE:	150 FT.
FRONT YARD SETBACK:	35 FT.
REAR/SIDE SETBACK:	15 FT.
GROUND COVER %:	4%

LEGEND

dhCB FD 12/26/17 ■ DENOTES CONCRETE BOUND WITH DRILL HOLE FOUND

P.⊡ DENOTES CONCRETE BOUND WITH DRILL HOLE TO BE SET

CBS ⊞ DENOTES EXIST. CATCHBASIN

NOTE

EASEMENTS REQUIRED FOR UTILITY CONNECTIONS SUCH AS ELECTRICITY, SEWER, WATER, TELEPHONE, AND CABLE WILL BE SECURED FOR THE RESPECTIVE LOTS IN COORDINATION AND REVIEW WITH THE RESPECTIVE UTILITY PROVIDERS.

NANTUCKET REGISTRY OF DEEDS
Date: March 4, 2020
Time: 10:56 AM
Plan No.: 2020-13
Attest: Jennifer H. Ferreira Register

RESERVED FOR REGISTRY USE

2020 00000013
Bk: Pg: 0 Page: 0
Doc: PLAN 03/04/2020 10:56 AM

COMMONWEALTH OF MASSACHUSETTS
JEFFREY L. BLACKWELL
No. 35388
REGISTERED PROFESSIONAL LAND SURVEYOR

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

PROFESSIONAL LAND SURVEYOR 1-16-20 DATE

THIS PLAN HAS BEEN APPROVED PURSUANT TO A MODIFICATION OF PRIOR COMPREHENSIVE PERMITS ISSUED BY THE NANTUCKET ZONING BOARD OF APPEALS IN ACCORDANCE WITH M.G.L. Chapter 40B, Sections 20-23, AND PURSUANT TO 760 CMR 56.05. REFERENCE MODIFICATION DECISION FILE No. 30-19.

TOWN CLERK / NANTUCKET, MA DATE March 4, 2020

BEING A SUBDIVISION OF PLAN FILE 44-Y, LOT 17

Plan of Land
in
Nantucket, Mass.
Prepared for
HABITAT FOR HUMANITY NANTUCKET, INC.

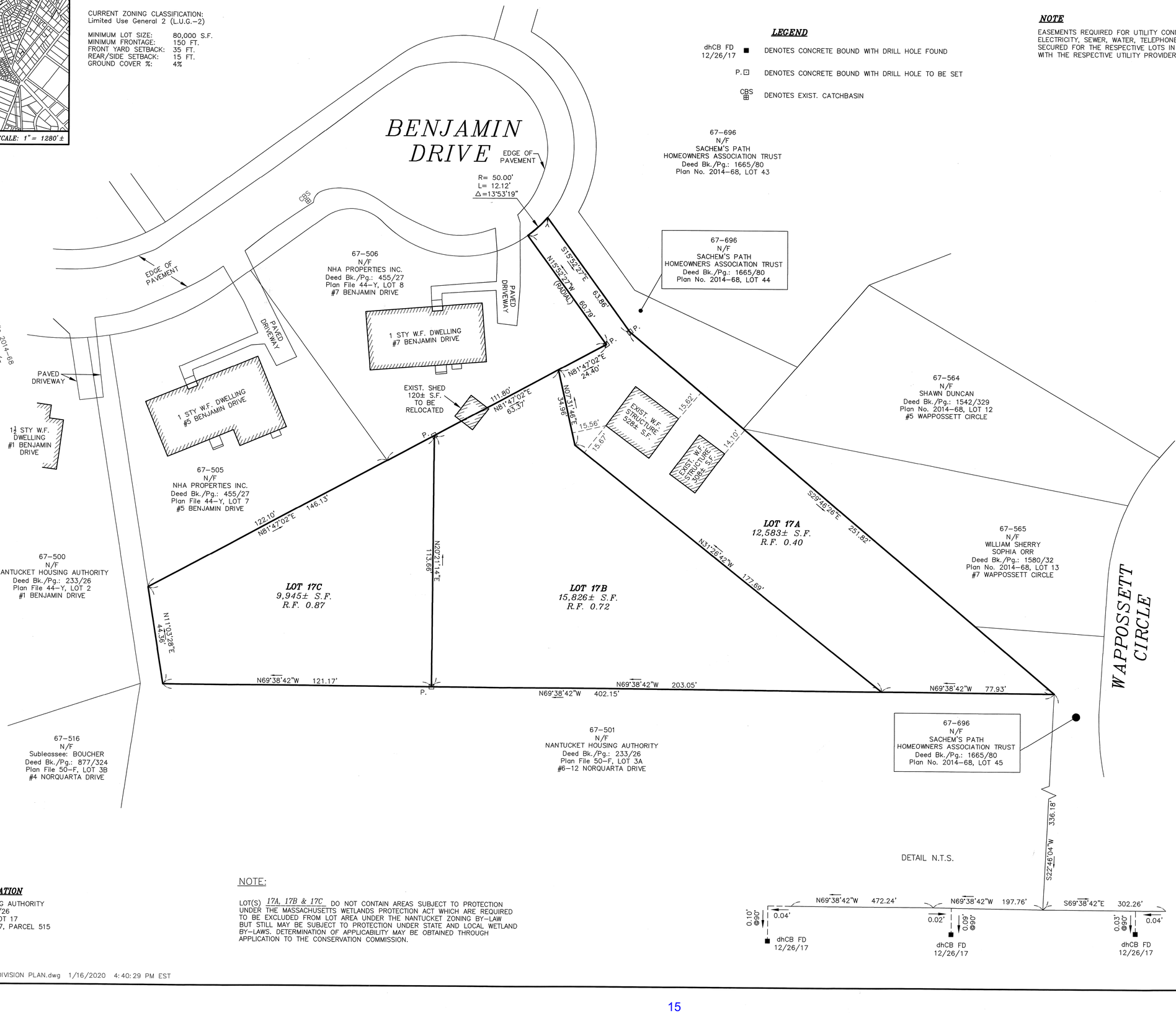
Scale: 1"= 20' JANUARY 16, 2019

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

Zoning Board of Appeals

ZBA FILE NO. 30-19 DATE: 12/12/2019



OWNER INFORMATION

NANTUCKET HOUSING AUTHORITY
Deed Bk./Pg.: 233/26
PLAN FILE 44-Y, LOT 17
ASSESSOR'S MAP 67, PARCEL 515
MIACOMET VILLAGE

NOTE:

LOT(S) *17A, 17B & 17C* DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BY-LAW BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BY-LAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

T:\LEO 25 JOB 31
V:\DRAWFILES\B8692\DIVISION PLAN.dwg 1/16/2020 4:40:29 PM EST

B8692

2020 00000626
Bk: 1737 Pg: 20 Page: 1 of 7
Doc: MOD 03/04/2020 10:56 AM

NANTUCKET
TOWN CLERK

2020 FEB -6 PM 3:55

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MASSACHUSETTS 02554

Date: January 9, 2020

To: Parties in Interest and Others concerned with the Decision of The BOARD OF APPEALS in the Application of the following:

Application No.: 30-19
MODIFICATION TO PRIOR COMPREHENSIVE PERMIT No.s 110-93;017-94;030-94

Applicant: HABITAT FOR HUMANITY, INC.
Owner : NANTUCKET HOUSING AUTHORITY
PROJECT NAME: MIACOMET VILLAGE 40B

Property Description: off Benjamin Drive
Lot 17 on Plan File 44-Y
Map 67, Parcel 515

Enclosed is the Decision of the BOARD OF APPEALS which has this day been filed with the office of the Nantucket Town Clerk.

An Appeal from this Decision may be taken pursuant to Sections 21 and 22 of Chapter 40B, Massachusetts General Laws.

Any action appealing the Decision must be brought by filing a complaint in Nantucket Superior Court or Land Court or the Housing Appeals Committee, as appropriate, within TWENTY (20) days after this day's date. Notice of the action must be given as provided for under Chapter 40B, Sections 21 & 22.

Eleanor W. Antonietti,
Zoning Administrator

NANTUCKET ZONING BOARD OF APPEALS
2 Fairgrounds Road,
Nantucket, Massachusetts 02554

Assessor's Map 67, Parcel 515
Miacomet Village 40B
Limited Use General - 2

Book 233, Page 26
Lot 17
Plan File 44-Y

DECISION:

1. The Nantucket Zoning Board of Appeals held public hearings on November 14, 2019 and December 12, 2019, in the Community Meeting Room at the Public Safety Facility at 4 Fairgrounds Road, Nantucket, Massachusetts, regarding the application of **NANTUCKET HOUSING AUTHORITY, as Owner** with a mailing address of 3 Manta Drive, Nantucket, Mass. 02554; **HABITAT FOR HUMANITY NANTUCKET, INC., as Applicant,** with a mailing address of 35 Old South Road, Nantucket, Mass. 02554, Board of Appeals **File No. 30-19**. The Board made the following Decision:

2. The Applicant, Habitat for Humanity Nantucket, Inc. ("Habitat"), requested MODIFICATION of prior COMPREHENSIVE PERMITS, granted in accordance with M.G.L. Chapter 40B, pursuant to 760 CMR 56.05 to allow Lot 17, currently prohibited from having any dwellings, to contain dwellings and be further subdivided. Specifically, Habitat proposed to subdivide Lot 17 into three lots in the following manner; Concept "Lot 1" will have no dwellings and will contain two existing outbuildings; Concept "Lot 2" will contain either a single-family dwelling or a duplex, which will then be converted to a condominium form of ownership and conveyed to two families, and; Concept "Lot 3" will contain a single-family dwelling. Concept Lots 2 and 3 shall abide by the proposed Homeowner's Association Declaration of Restrictions. The property will be permanently deed-restricted for the purpose of providing affordable year-round housing. As proposed, the lots will otherwise conform to the intensity regulations of the R-10 zoning district. The Applicant requested waivers from the Code of the Town of Nantucket and, to the extent necessary, relief from the Rules and Regulations of the Nantucket Planning Board and the Subdivision Control Law, as provided in M.G.L. Chapter 40B.

3. Locus, shown on Assessor's Map 67 as Parcel 515, and as Lot 17 on Plan File 44-Y, is situated within the Miacomet Village, a 40B subdivision. The subdivision is subject to various Comprehensive Permit Decisions approved and modified in Board of Appeals File No.s 025-86, 050-86, 110-93, 030-94, and 17-97. Evidence of owner's title is in Book 233, Page 26 on file at the Nantucket County Registry of Deeds. The site is zoned Limited Use General 2 (LUG-2).

4. Our Decision is based upon the application and accompanying materials and representations and testimony received at the public hearings. The Nantucket Planning

Board made a favorable recommendation. The Nantucket Police Department did not have any concerns with the application, nor did the Wannacomet Water Company. The Nantucket Sewer Department provided the Applicant with a conceptual sewer option because the Applicant could connect the properties to the municipal sewer system. The Nantucket Fire Department asked the Applicant to revise the plans to provide adequate space for a turnaround, which the Applicant did and submitted to the Zoning Board of Appeals.

5. The Applicant explained the history of the Locus as affected by many iterations of the Comprehensive Permits for "Miacomet Village" over the years. Specifically, a Stipulation issued by the Housing Appeals Committee in May 1994 (recorded at Book 449 Page 344) approved a Comprehensive Permit in File No. 110-93 for eight buildable lots fronting on either Benjamin Drive or Norquarta Drive and green space buffer zones consisting of three lots and a thirty (30) foot wide strip. The approved subdivision is shown on Plan File 44-Y. Although Lot 17 is shown thereon, the Stipulation did not specifically address Lot 17. Also in 1994, a new Comprehensive Permit was issued in File No. 030-94 (recorded at Book 449, Page 347), which specifically addresses Lot 17 as follows in ¶5.e on Book 449, Page 350 of the recorded decision:

> *The areas shown as #17 will not contain any dwellings, but may have no more than two maintenance/storage garages.*

6. The Owner, Nantucket Housing Authority ("NHA"), has entered into an agreement with the Applicant (Habitat) allowing them to apply to the Zoning Board of Appeals to modify the Comprehensive Permits. The request constitutes a substantial modification of the existing Comprehensive Permits. Habitat is requesting a MODIFICATION of Board of Appeals' Decision No.s 110-93 and 030-94, in which COMPREHENSIVE PERMITS were granted pursuant to M.G.L. Chapter 40B, as further modified by Decision No. and 017-97 (recorded at Book 533, Page 69). Locus is undersized for the LUG-2 zone, having 38,356 square feet of lot area where minimum required lot area is 80,000 sq. ft. Furthermore, Locus has inadequate frontage where minimum required frontage is one hundred fifty (150) linear feet.

7. Specifically, Habitat seeks to eliminate the above-cited condition and to modify prior Comprehensive Permit relief in order to allow Lot 17 (Locus) to be subdivided into three (3) lots (two containing dwelling units; one not having any dwelling units) as shown on the plan entitled, "Division #5 Concept Site Plan of Land in Nantucket, Mass.", prepared by Blackwell & Associates, Inc., dated November 22, 2019 and revised December 6, 2019, and attached hereto as "Exhibit A". Concept Lot 1 will continue to not have any dwellings and will contain the two existing outbuildings; Concept Lot 2 will contain a duplex which will then be converted to a condominium form of ownership to be conveyed to two (2) families; and Concept Lot 3 will contain a single-family dwelling to be conveyed to an eligible family in fee simple ownership. Concept Lots 2 and 3 shall abide by the proposed Homeowner's Association declaration of restrictions which was submitted as part of the Application and shall be recorded upon conveyance to the first family. The existing shed straddling the shared lot line between #7 Benjamin Drive and Concept Lot 2 will be moved entirely out of the setbacks.

8. The Applicant sought relief from the following Nantucket Zoning By-law Sections:

Code Section	Required	Provided
139-7.A – uses (allow Duplex use in LUG-2 zoning district)	Duplexes are not allowed per Section 139-7.A in the LUG-2 zoning district	The Applicant requested this requirement be waived and one duplex is allowed on Concept Lot 2
139-7.A – uses (allow storage structures as primary use on lot)	Garages and sheds are not allowed primary uses on a lot in the LUG-2 zoning district	Concept Lot 1 will continue to maintain an existing garage and storage structure, which shall be the primary use on that lot
139-16.A – intensity regulations (waive frontage requirements of the LUG-2 zoning district for Concept Lots 1 – 3)	150 ft of frontage is required in LUG-2 zoning	Concept Lots 2 & 3 will have 0 ft of frontage; Concept Lot 1 will continue to have approximately 12 ft of frontage along Benjamin Drive
139-16.A – intensity regulations (waive minimum lot size requirement in LUG-2 zoning district for Concept Lots 1 – 3)	80,000 square feet is the minimum lot size in LUG-2 zoning	Concept Lot 1 will have approximately 12,583 sf of area; Concept Lot 2 will have approximately 15,826 sf of area; and Concept Lot 3 will have approximately 9,946 sf of area
139-16.A – intensity regulations (waive setback requirements)	There is a 35 foot front yard setback in LUG-2 and a 15 foot side/rear yard setback	Concept Lot 1 will be as close as 14.1 feet from the easterly side yard setback
139-16.A – intensity regulations (waive ground cover ratio)	The ground cover ratio in the LUG-2 zoning district is 4%	Concept Lot 1 will have a ground cover ratio of approximately 6.6%; Concept Lot 2 will have a ground cover ratio of approximately 16.4%; and Concept Lot 3 will have a ground cover ratio of approximately 13.1%
139-16.D – intensity regulations (waive regularity factor)	The regularity factor for lots shall not be less than 0.55.	Concept Lot 1 will have a regularity factor of 0.40
139-20.1 – Driveway Access (waive requirement of only one curb cut per lot)	There shall not be more than one driveway access on a lot	#7 Benjamin Drive (Map 67, Parcel 506) will have two curb cuts on the lot. One curb cut will serve the existing house at #7 Benjamin Drive; the other curb cut will be a portion of the proposed asphalt driveway servicing Concept Lots 2 & 3

9. Habitat proposes to subdivide Lot 17 – owned by the Nantucket Housing Authority ("NHA") – into three lots, two of which will be improved with dwelling units and one of which will remain under the control and continue to be used by the NHA for storage/maintenance. NHA will grant Concept Lots 2 and 3 to Habitat with approval of this request. The proposal includes Common Driveway, Access, and Utility easements over adjacent Lot 8 (shown on Plan File 44-Y; 7 Benjamin Drive owned by NHA Properties, Inc.) and proposed Concept Lot 1 (owned by the Nantucket Housing Authority).

10. After reviewing the various building programs proposed by Habitat, the Board favored the option which included a 2,600 sq. ft. duplex on Concept Lot 2. This option would allow Habitat to place at least one of the proposed dwelling units on the Subsidized Housing Inventory ("SHI") list. All three of the residential units on the Habitat lots will be permanently restricted for affordable year-round housing.

11. The standards for review in this instance and those which the Board must address are whether the grant of the Comprehensive Permit modification is reasonable and consistent with local needs and whether any conditions imposed on the permit are uneconomic.

12. After due consideration and discussion between the Applicant and the Zoning Board of Appeals relative to the density, the need for adequate buffer areas, landscaping, infrastructure, safety considerations, and additional parking, the Board made the finding that the Modification requested in connection with the proposed project, shown on the attached "Exhibit A", is in harmony with the purpose and intent of the Zoning By-law and is consistent with local needs and that the requested Waivers from the Nantucket Zoning By-law associated with the proposed project, as shown in Chart above, may be granted based upon the Applicant's ability to maintain the proposed project's economic viability.

13. Therefore, based upon the forgoing, the requested **MODIFICATION** of the 1994 Comprehensive Permit to remove ¶5.e in Decision No. 030-94 to allow Lot 17 to be divided into three lots, two of which are buildable, as shown on "Exhibit A", was granted by a **MAJORITY VOTE** of four (4) in favor and one (1) opposed (Toole) subject to the condition that all remaining relief and conditions set forth in Decision No. 030-94 and the Modification in Decision No. 017-97 shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

Assessor's Map 67, Parcel 515
Miacomet Village 40B
Limited Use General - 2

Book 233, Page 26
Lot 17
Plan File 44-Y

Dated: December 12, 2019

Susan McCarthy

MAR 0 3 2020

Lisa Botticelli

I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11

Edward Toole (opposed)

TOWN CLERK
ATTEST: A TRUE COPY
Nancy L. Holmes
NANTUCKET TOWN CLERK

Michael J. O'Mara (on)

Kerim Koseatac

COMMONWEALTH OF MASSACHUSETTS

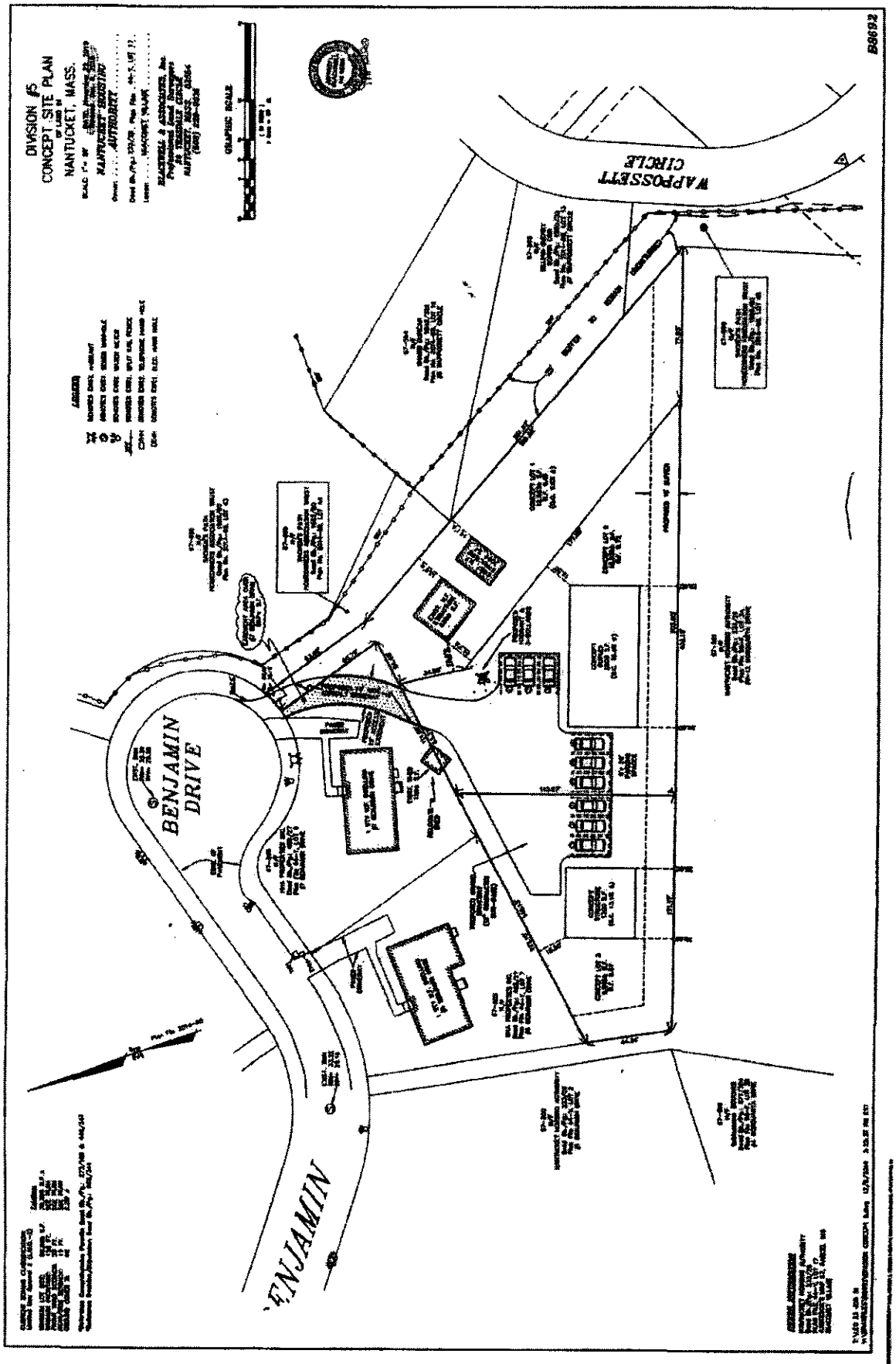
Nantucket, ss.

On the 9th day of January, 2020, before me, the undersigned notary public, personally appeared Susan McCarthy, one of the above-named members of the Zoning Board of Appeals of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that they signed the foregoing instrument as their free act and deed and voluntarily for the purposes therein expressed.

MEGAN TRUDEL
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires On
May 08, 2020

Official Signature and Seal of Notary Public
My commission expires:

"EXHIBIT A"



NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Register of Deeds

2021 00001935
Bk: 1823 Pg: 230 Page: 1 of 4
Doc: DD 05/13/2021 01:31 PM

MASSACHUSETTS QUITCLAIM DEED

The **Nantucket Housing Authority**, a public body politic and corporate, pursuant to Massachusetts General Laws Chapter 121B, Section 5, with offices at Manta Drive, Nantucket, Massachusetts (the "Grantor"), by and through its Board of Commissioners,

for consideration of One Dollar ($1.00) and other good and valuable consideration,

grants to **Habitat for Humanity Nantucket, Inc.**, a Massachusetts non-profit corporation, c/o Swain's Travel, 35 Old South Road, Nantucket, Massachusetts (the "Grantee")

with QUITCLAIM COVENANTS,

those certain parcels of land, located in the Town and County of Nantucket, Commonwealth of Massachusetts, shown as Lots 17B and 17C on Plan 2020-13, recorded at the Nantucket Registry of Deeds on March 4, 2020 (collectively "the Property").

Said parcels of land are subject to the following covenants, conditions, and restrictions as may be in force and effect:

1. Subject to, and with the benefit of, the restrictions, recorded in the Deed in Book 233, Page 26, as may be in force and effect, at the Nantucket Registry of Deeds, including a reverter or right of first refusal in favor of the Grantor to ensure that the Property is used in perpetuity for affordable housing purposes.

2. Subject to the terms of a Comprehensive Permit, recorded in Book 273, Page 188 at said Registry.

3. Subject to the terms of a Modification of a Comprehensive Permit, recorded in Book 301, Page 83 at said Registry.

4. Subject to the terms of a Decision for a Comprehensive Permit, recorded in Book 449, Page 344 at said Registry.

5. Subject to the terms of a Modification of a Comprehensive Permit, recorded in Book 533, Page 69 at said Registry.

6. Subject to a Modification of a Comprehensive Permit, recorded in Book 1737, Page 20 at said Registry.

7. Subject to the provisions of a Regulatory Agreement executed between the parties hereto, recorded of even date at said Registry.

8. Subject to the provisions of a Regulatory Agreement and Declaration of Restrictive Covenants executed between the Grantee and the Massachusetts Department of Housing and Community Development, recorded of even date at said Registry.

9. Subject to a Common Driveway, Access and Utility Easement and Agreement between NHA Properties, Inc. and the Grantee, recorded of even date at said Registry.

10. Subject to a Common Driveway, Access and Utility Easement and Agreement between the Grantor and the Grantee, recorded of even date at said Registry.

This conveyance does not constitute a sale of all or substantially all of the Grantor's assets.

For the Grantor's title, see Deed recorded in Book 233, Page 26at the Nantucket Registry of Deeds.

SIGNATURE PAGE TO FOLLOW

Witness our hands and seals this 20th day of April, 2021.

NANTUCKET HOUSING AUTHORITY

By: Penelope Dey
Its: Vice-Chairman, Board of Commissioners

By: Linda F. Williams
Its: Treasurer, Board of Commissioners

NANTUCKET LAND BANK
CERTIFICATE
☐ Paid $
☑ Exempt G
☐ Non-applicable
43232 5/13/21
No. Date
Authorization

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, SS

On this 20th day of April, 2021, before me, the undersigned notary public, personally appeared Penelope Dey, Vice Chairman of the Board of Commissioners of the Nantucket Housing Authority, proved to me through satisfactory evidence of identity, which was KNOWN PERSONALLY, to be the person whose name is signed on the preceding or attached document and acknowledged to me that she signed it voluntarily for its stated purpose, in her capacity as the Vice Chairman of the Nantucket Housing Authority.

Notary Public

My commission expires:

Renee H. Ceely
My Commission Expires August 14, 2026
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, SS

On this 20th day of April, 2021, before me, the undersigned notary public, personally appeared Linda F. Williams, Treasurer of the Board of Commissioners of the Nantucket Housing Authority, proved to me through satisfactory evidence of identity, which was KNOWN PERSONALLY, to be the person whose name is signed on the preceding or attached document and acknowledged to me that she signed it voluntarily for its stated purpose, in her capacity as the Treasurer of the Nantucket Housing Authority.

Notary Public

My commission expires:

Renee H. Ceely
My Commission Expires August 14, 2026
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS

NANTUCKET COUNTY Received & Entered
Attest: Jennifer M. Ferreira, Register of Deeds

2021 00001936
Bk: 1823 Pg: 234 Page: 1 of 11
Doc: AGR 05/13/2021 01:31 PM

REGULATORY AGREEMENT

This Regulatory Agreement (the "Agreement") is made as of this 15 day of April, 2021, by and between the Nantucket Housing Authority, a public body corporate and politic organized under the laws of the Commonwealth of Massachusetts, having a place of business at Manta Drive, Nantucket, MA 02554 ("NHA"), and Habitat for Humanity Nantucket, Inc., with offices c/o Swain's Travel, 35 Old South Road, Nantucket, MA 02554 ("Habitat") .

Recitals

WHEREAS, the NHA is the owner in fee simple of certain property known as Lots 17B and 17C, located on a portion of property at 9 Benjamin Drive (Assessor Map 67, Parcel 515), Surfside, Nantucket, Massachusetts (the "Property"), as shown on a plan, prepared by Blackwell & Associates, Inc. on January 16, 2019 and filed with the Nantucket Registry of Deeds on March 4, 2020 as Plan No. 2020-13. The NHA wishes to utilize the Property for affordable housing for low and moderate-income households. The NHA has determined that it can best accomplish this purpose by conveying the Property to a qualified non-profit entity to develop and construct such housing, subject to appropriate long-term controls limiting the Property to affordable housing purposes.

WHEREAS, pursuant to the provisions of M.G.L. Chapter 30B, the NHA issued a Request for Proposals ("RFP") in August, 2020 for the conveyance and disposition of the Property for affordable housing purposes;

WHEREAS, on or about September 23, 2020, Habitat submitted a proposal to the NHA to acquire and develop the Property as described in the NHA's RFP;

WHEREAS, Habitat's proposal, dated September 23, 2020, for the acquisition of the Property and the development thereon of affordable housing units (the "Development") for sale to income-eligible buyers has been approved and accepted by the NHA;

WHEREAS, Habitat's proposal has received final approval by the Town of Nantucket and the Massachusetts Department of Housing and Community Development ("DHCD") as a Local Initiative Program ("LIP")project;

WHEREAS, Habitat and DHCD will be executing a Regulatory Agreement and Declaration of Restrictive Covenants for this LIP project; and

WHEREAS, the NHA and the Habitat desire to enter into an agreement pursuant to which Habitat will acquire, develop, and construct the Development as stipulated in this Agreement on the Property.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the NHA and Habitat do hereby agree as follows:

Article 1. Sale and Development of the Property

1.1 Habitat. Whenever the term Habitat is used in this Regulatory Agreement, it shall apply to Habitat for Humanity Nantucket, Inc. and its affiliates and subsidiaries, as well as its officers, employees, board members, representatives and agents.

1.2 Development Site. The NHA intends to convey to Habitat Lots 17B and 17C, located on a portion of property at 9 Benjamin Drive (Assessor Map 67, Parcel 515), Surfside, Nantucket, Massachusetts, as shown on a plan filed with the Nantucket Registry of Deeds on March 4, 2020 as Plan No. 2020-13, for development of affordable housing dwelling units.

1.3 Development Rights. In consideration of Habitat's payment of Ten Dollars ($10.00) and other good and valuable consideration to the NHA, the NHA hereby grants to Habitat the right to acquire and develop the Property consistent with and as provided in the provisions of the RFP and this Regulatory Agreement.

1.4 Habitat Right of Entry. Upon execution of this Agreement, the NHA grants to Habitat, its agents, employees, subcontractors, and their agents and employees, a license to enter onto the Property for the purpose of investigating site conditions including, without limitation, surveying, conducting soil tests or borings, and conducting other investigations or engineering tests. Any such entry shall be done at Habitat's sole cost and expense, and at Habitat's sole risk. Habitat agrees to indemnify, defend, and hold harmless the NHA and its employees, commissioners, officers, representatives and agents, from and against any cost, expense, claim or liability arising from any such entry onto the Property by Habitat, its agents, employees or subcontractors. Habitat agrees that it shall conduct all such tests and investigations in a manner which will cause as little damage as possible to the Property, and in the event of any such damage, shall promptly repair and restore the same at its sole cost and expense. Habitat agrees further that all such tests and investigations will be conducted in compliance with all applicable laws and regulations. Habitat acknowledges and agrees that the NHA is making the Property available for conveyance to Habitat in "as is" condition and in this regard, the NHA is making no warranties or representations to Habitat as to the condition of the Property, including, but not limited to, the presence of any hazardous material or oil, as defined in M.G.L. Chapter 21E.

1.5 Covenant of Sale. Subject to all of the terms, covenants and conditions of this Regulatory Agreement, the NHA covenants and agrees to grant and convey, and Habitat covenants and agrees to acquire and develop for affordable housing purposes, the Property for the Development as it shall be defined and modified, as provided in this Regulatory Agreement.

1.6 Title Deed. The NHA will, at the Closing (as hereinafter defined), subject to the terms and conditions of this Regulatory Agreement, convey good and clear record and marketable title to the Property to Habitat, by a good and sufficient quitclaim deed (the "Deed") running to Habitat, free and clear of all liens, encumbrances, claims and interests of all parties, reservations, exceptions, conditions and restrictions of whatever sort or nature, except (i) building and zoning by-laws, rules, regulations and other by-laws applicable to the Property; (ii) a right of right of first refusal in favor of the NHA, pursuant to Article 42 of the Town Warrant for Nantucket Town Meeting, April 2, 1985 (iii) a perpetual affordable housing deed restriction which is satisfactory in form to the Massachusetts Department of Housing and Community Development [DHCD] (consistent with the developed housing units being included on the Town of Nantucket's Subsidized Housing Inventory [SHI]list) (iv) the provisions of the Comprehensive Permit under M.G.L. c. 40B to be issued by the Zoning Board of Appeals of the Town of Nantucket ("ZBA") for the development of the Property (the "Comprehensive Permit") as hereinafter described; and (v) all easements, other restrictions, rights and reservations of record in so far as the same do not materially interfere with the use of the Property for residential purposes.

At the time of delivery of the Deed at the Closing, the NHA will also transfer, convey and assign to Habitat all rights, easements, licenses and appurtenances whatsoever belonging to the Property or appertaining thereto, together with whatever surveys, site plans, approvals and permits relating thereto it may possess. By executing this Regulatory Agreement, Habitat acknowledges and understands that the NHA makes no warranties or representations as to the accuracy of any such surveys or site plans.

1.7 Purchase Price. The agreed purchase price for the Property is Ten Dollars ($10.00) and other good and valuable consideration.

1.8 Time of Performance. The NHA shall deliver the deed to the Property to Habitat on or before, 2021. Time is of the essence in the performance of this Agreement, including, but not limited to, delivery of the deed. In this regard, Habitat acknowledges and agrees that it shall diligently proceed to completion of the Development, upon the NHA's delivery of the deed to the Property. The NHA shall adhere to its obligations contained herein.

Article 2. Development of Project; Affordability; Term of Agreement.

2.1 The Project. Habitat shall have responsibility for all aspects of the design, development, construction and sale of the Development, and any portion thereof.

2.2 Affordability. All of the homeownership units to be constructed by Habitat at the Development shall be affordable in perpetuity to households earning up to eighty percent (80%) of the median income for the Town of Nantucket.

2.3 Development Costs. It is understood and agreed that Habitat shall receive the Property in "as is" condition and shall bear all costs associated with the Development as contemplated hereunder. The NHA will bear its own costs in connection with the preparation and negotiation of this Regulatory Agreement and the Deed.

2.4 Term of Agreement. Habitat shall comply with all the covenants, conditions, restrictions and promises described or referenced herein. In the event that Habitat fails to meet any of such covenants, conditions, restrictions or promises, the NHA may avail itself of the remedies described in Article 5. below, including, but not limited to, termination of this Regulatory Agreement. This Agreement shall expire upon the sale of all the dwelling units to be developed on the Property to eligible low and moderate income homeowners, as provided in Article 8. below.

Article 3. Respective Responsibilities of Parties.

3.1 Responsibilities of Habitat. Habitat shall be solely responsible for all aspects of the Development, it being understood that Habitat shall only be responsible for the construction and management of the Development to the extent Habitat timely receives all funding, permits and approvals contemplated in the RFP or this Regulatory Agreement or otherwise necessary for the Project. Specific Habitat responsibilities include the following:

(a) Habitat shall be responsible for the development and construction of affordable housing units on the Property, as described in the RFP.

(c) Habitat shall apply for, secure, and enter into all necessary financing and subsidy arrangements.

(d) Habitat shall obtain hazard and liability insurance reasonably satisfactory to the NHA, which names the NHA as an additional insured party.

(e) Habitat shall comply with all the Requirements (defined below), and shall obtain and maintain all permits, consents and approvals, including, but not limited to, a comprehensive permit pursuant to M.G.L. Ch. 40B, a building permit and other permits, necessary to fulfill its obligations under this Regulatory Agreement.

(f) Habitat shall prepare and carry out a marketing/lottery plan for the marketing of the affordable homeownership units to be constructed on the Property consistent with, and acceptable to the DHCD. Habitat will work diligently to ensure that the three units are included on the Town of Nantucket's SHI list.

(g) Habitat shall manage and supervise the construction of the Development in accordance with the terms of the Deed and this Regulatory Agreement.

(h) Habitat shall plan, finance and build all infrastructure, including sidewalks, roads, curbs and lanes, for the entire Property and Development, if necessary, before construction of the individual homeownership units begins, unless said infrastructure construction would be counterintuitive to Habitat's construction methodology.

(i) Habitat shall share with the NHA all architectural renderings and drawings, showing the design of the individual homeownership units to be constructed and the materials to be used.

(j) After Habitat assumes ownership of the property, Habitat and the NHA shall maintain open lines of communication regarding progress of the development project.

(k) Habitat acknowledges and agrees that the sale of each individual homeownership unit to be constructed by Habitat on the Property shall be subject to (a) a Marketing Plan acceptable to the DHCD and consistent with Habitat International's family selection and affordable development policies and standards, (b) Deed forms consistent with DHCD regulations that include a right of first refusal in favor of the Town of Nantucket/Habitat and perpetual affordable housing deed riders.

(l) Habitat shall be solely responsible for the installation and cost of all infrastructure improvements on the Property (e.g. water, sewer, power, fire hydrant, driveway, and parking areas).

(n) Habitat shall comply in all respects with the following covenants, conditions, restrictions and promises:

1. Restrictions recorded in the Deed recorded in Book 233, Page 26, as may be in force and effect, at the Nantucket Registry of Deeds.
2. Subject to the Terms of a Comprehensive Permit recorded in Book 273, Page 188 at said Registry.

3. Subject to the Terms of a Modification of a Comprehensive Permit recorded in Book 301, Page 83 at said Registry.
4. Subject to the Terms of a Decision for a Comprehensive Permit recorded in Book 449, Page 344 at said Registry.
5. Subject to the Terms of a Modification of a Comprehensive Permit recorded in Book 533, Page 69 at said Registry.
6. Subject to a future Modification of a Comprehensive Permit, governing the development of the Property, issued by the Nantucket Zoning Board of Appeals recorded in Book 1737, Page 20 at said Registry.
7. The provisions of this Regulatory Agreement, executed as a pre-condition to the delivery of the deed.
8. Subdivision of Lot 17 on Plan File 44-Y at said Registry into three (3) lots as depicted in the attached conceptual Plan of Land.
9. Development of duplex housing on Lot 17B of roughly 2,600 square feet, to be converted to a condominium form of ownership and subsequently conveyed to two (2) low or moderate-income families.
10. Development of a single-family dwelling on Lot 17C of roughly 1,300 square feet, to be conveyed to a low or moderate-income family in fee simple ownership.
11. Each unit to be developed on Lots 17B and 17C shall be subject to and comply with a Homeowners' Association declaration of restrictions, which shall be drafted and recorded by Habitat upon the first conveyance by Habitat of one of the units to be developed.
12. The existing shed, which currently straddles the shared lot line between Lot 2 and 7 Benjamin Drive, is owned and maintained by Housing Nantucket, Inc., a Nantucket non-profit corporation. While responsibility for and the cost of moving this shed shall be the sole responsibility of Housing Nantucket, Habitat shall cooperate fully in facilitating the moving of this shed. Further, Habitat shall be responsible for drafting and recording with the Nantucket Registry of Deeds an access easement to permit Habitat ingress to and egress from such shed, once it is moved, as well as a common driveway, access, and utility easement with the Nantucket Housing Authority.
13. Lot 17A shall remain the property of the NHA.

14. Timeframes for the ownership and development of the Property shall comply with the requirements of the RFP.

15. The provisions of a Regulatory Agreement and Declaration of Restrictive Covenants between Habitat and DHCD applicable to this LIP project to be recorded of even date with the subject deed.

3.2 Responsibilities of NHA. The following matters shall be the primary responsibility of NHA:

(a) NHA shall review on an expeditious basis any matter submitted to it for its review or approval and advise Habitat of its approval or denial, and (if relevant) of its reasons for denial.

(b) NHA shall provide reasonable support for the Project with local, state, and Federal agencies, lenders, and other applicable parties. NHA shall provide reasonable assistance requested by Habitat in obtaining licenses, approvals, clearances, the comprehensive permit and other permits, or other cooperation from local, state, and Federal agencies and officials and from local governing bodies. NHA will cooperate with Habitat in pursuing any real estate tax exemptions and abatements that may be available for the Project.

3.3 Responsibilities of Both Parties.

(a) If resources anticipated by the parties for the Project become unavailable, or for any reason the Project ceases to be feasible, including, without limitation, due to engineering constraints of the Property, NHA will work with Habitat in good faith to develop changes or alternate plans which accomplish the original goals set forth in this Regulatory Agreement to the maximum extent possible given available resources. In the event that the parties, using good faith, are either unable to identify feasible changes or alternate plans or to agree upon proposed changes or alternate plans within twelve (12) months after the need for changes or alternate plans has been identified, either party may terminate this Agreement upon written notice to the other party. Upon such termination, the NHA may avail itself of its right of reversion, in which case, Habitat shall convey the Property back to the NHA and the NHA shall take back title to the Property

Article 4. Design Review; Project Development Schedule; Project Budget.

4.1 Design Review. Habitat will seek all appropriate permits and Town approvals for the proposed housing units, including the HDC. The development and construction of the Development is subject to such site plans, concept plans, plans and specifications and the like as may be approved by all applicable Town of Nantucket ordinances, regulations and processes (the Approved Plans and Local Ordinances, collectively, the "Requirements").

Article 5. Default; Remedies.

5.1 Default by Habitat. The occurrence of any of the following events shall constitute an event of default ("Event of Default") under this Agreement by Habitat:

5.1.1If Habitat fails generally to diligently prosecute the development and construction of the Development in accordance with this Regulatory Agreement or to observe or perform in any material respect any covenant, condition, agreement or obligation hereunder and shall fail to cure, correct or remedy such failure within thirty (30) days after the receipt of a written notice thereof

5.1.2 If Habitat shall be adjudicated bankrupt or be declared insolvent under the federal bankruptcy code or any other federal or state law (as now or hereafter in effect) relating to bankruptcy, insolvency, reorganization, winding up or adjustment of debts (hereinafter collectively "Bankruptcy Laws") or if Habitat shall (a) apply for or consent to the appointment of, or the taking of possession by, or any receiver, custodian, trustee, United States Trustee, or liquidator (or other similar official) of Habitat or of any substantial portion of Habitat's property, or (b) generally not pay its debts as they become due, admit in writing its inability to pay its debts generally as they become due, or (c) make a general assignment for the benefit of its creditors, or (d) file a petition commencing a voluntary case or seeking to take advantage of any Bankruptcy Law; or

5.1.3 If an order for relief against Habitat shall be entered in any involuntary case under any Bankruptcy Law, or if the petition commencing an involuntary case against Habitat or proposing reorganization of Habitat under any Bankruptcy Law shall be filed in and approved by any court of competent jurisdiction and not be discharged or denied within sixty (60) days after filing, or if a proceeding or case shall commence in any court of competent jurisdiction seeking aid or liquidation, the organization, dissolution, winding up or adjustment of debts of Habitat, or the appointment of a receiver, custodian, trustee, United States Trustee, or liquidator or (other similar official) of Habitat or of any substantial portion of Habitat's property, or any similar relief as to Habitat pursuant to any Bankruptcy Law, and any such proceeding or case shall continue undismissed, or an order, judgment or decree approving any or ordering any of the foregoing shall be entered and continued unstayed and in effect for thirty (30) days.

5.2 Remedies for NHA. If there is an Event of Default by Habitat, as provided in Article 5.1. above, NHA may, in addition to any and all other remedies available to it at law or in equity, (a)terminate this Agreement and any other documents associated with the conveyance to and development of the Property by Habitat, upon written notice to Habitat, and, prior to any of the housing units being transferred to affordable owners, (b) exercise its right of reversion, providing for a return of title to the Property to the NHA.

5.3 Default by NHA. An event of default by the NHA will occur if the NHA fails in any material respect to observe or perform any covenant, condition, agreement or obligation hereunder, and shall fail to cure, correct or remedy such material default within thirty (30) days after the receipt of written notice thereof.

Article 6. Habitat's Representations.

6.1 Habitat is duly organized and existing in good standing under the laws of the Commonwealth of Massachusetts as a non-profit corporation, pursuant to M.G.L. Chapter 180, and has the power and authority to own its properties and to enter into and perform its obligations under this Regulatory Agreement, and each other agreement or instrument entered into or to be entered into by it pursuant to this Regulatory Agreement.

6.2 Habitat has the power, authority and legal right to enter into and perform all its obligations under this Regulatory Agreement and each other document entered into or to be

entered into by it pursuant to this Regulatory Agreement, and the execution, delivery and performance hereof and thereof (i)have been duly authorized, (ii)have the requisite approval of all governmental bodies, (iii)will not violate any judgment, order, law, or regulation applicable to Habitat or any provisions of Habitat's organizational documents and (iv)do not conflict with, constitute a default under, or result in the creation of any lien, charge, encumbrance or security interest upon any assets of Habitat under any agreement or instrument to which Habitat is a party or by which Habitat or its assets may be bound or affected.

6.3 Habitat represents that, to the best of its knowledge, there are no pending or threatened actions or proceedings before any court or administrative agency which would materially adversely affect the financial condition of Habitat, or Habitat's ability to perform its obligation under this Regulatory Agreement, or under any other Development document entered into by Habitat pursuant to this Regulatory Agreement.

6.4 Habitat has made or will make its independent investigation and inquiry into all matters relevant to its entering into and performing its obligation under this Regulatory Agreement without reliance on any statement or representation of the NHA except as expressly set forth herein.

6.5 Habitat acknowledges and agrees that prior to the execution of this Regulatory Agreement, it has been given an opportunity to perform any such testing, assessment and/or analysis with respect to environmental conditions, including subsurface conditions and to perform such other due diligence as Habitat deems necessary and/or appropriate as a condition to entering into this Regulatory Agreement. By the execution of this Regulatory Agreement, Habitat releases the NHA of any claims it may have against the NHA pursuant to M.G.L. Chapter 21E and/or the Massachusetts Contingency Plan and accepts the Property "as is" in its current condition.

Article 7. Miscellaneous.

7.1 Integration. This Regulatory Agreement expresses the entire agreement of the parties, and supersedes and replaces any prior agreements of the parties, written or oral.

7.2 Applicable Law. This Regulatory Agreement shall be construed under the laws of the Commonwealth of Massachusetts.

7.3 Amendment. This Regulatory Agreement may be amended only by a written instrument, executed by the party to be charged therewith.

7.4 Notices. Whenever, by the terms of this Regulatory Agreement, notice or any other communication shall or may be given, such notice or communication shall be in writing and shall be deemed given upon the earlier of (i) actual receipt by the party to whom addressed or by such party's agent or employee, (ii) two business days after being deposited in the U.S. mail, registered or certified mail, postage prepaid, (iii) one business day after being delivered to a so-called "overnight" mail service with 1-day service, or (iv)by e-mail transmission with a first-class mail confirmation, in any event addressed as follows:

If to NHA, to:

Nantucket Housing Authority,
Manta Drive
Nantucket, MA 02554
Attn: Renee Ceely, Executive Director
admin@nantuckethousingauthority.org

and a copy to:

Roger Mervis, Esq.
19 Shannon Lane
Saco, Maine 04072
roger.mervis@gmail.com

If to Developer, to:

Habitat for Humanity Nantucket, Inc.
P.O. Box 1022
Nantucket, MA 02554
Attn: Gerry Keneally, President

and a copy to:

John B. Brescher, Esq.
Glidden & Brescher, P.C.
37 Centre Street
P.O. Box 1079
Nantucket, MA 02554
john@gliddenandglidden.com

7.5 Approvals and Consents. Where the approval or consent of either party is required, such approval or consent shall not be unreasonably withheld, conditioned or delayed. All approvals and consents shall be requested and provided in writing. Any denial of an approval or consent shall be in writing and shall contain a clear and full statement of the reasons for the denial. Unless otherwise specifically provided in this Regulatory Agreement, if approval or consent is requested pursuant to the notice procedures set forth in this Regulatory Agreement and if no response is received within fourteen (14) days of the notice, the approval or consent shall be conclusively deemed granted.

7.6 Reliance by Habitat. The NHA acknowledges that Habitat intends to rely on this Regulatory Agreement and further agrees that Habitat may rely on this Regulatory Agreement to establish to third parties that it has site control of the Property in order to qualify for financing and obtain other approvals for the Development.

7.7 Prohibition on Assignment. This Regulatory Agreement may not be assigned or transferred by Habitat without the express written consent of the NHA.

7.8 Recording. Habitat shall be responsible for the recording of this Regulatory Agreement, as well as the deed conveying the Development Site.

Article 8. - Termination

8.1 This Regulatory Agreement, and all of the NHA and Habitat's obligations described herein, shall terminate upon the transfer of the last (of three) housing units developed on the

Property. At that point the three affordable homeowner families shall be the owners of their particular dwellings. Apart from any participation in the Homeowners' Association created for this Development, neither Habitat nor the NHA shall have any further legal rights with regard to the properties.

8.2. Notwithstanding anything to the contrary herein, including the termination of this Regulatory Agreement, the NHA shall maintain its right of first refusal for these units pursuant to (a) the deed from the Town of Nantucket to the NHA recorded with the Nantucket Registry of Deeds at Book 233, Page 26, and (b)the Local Initiative Program regulatory agreement between Habitat and DHCD to be recorded with the deed conveying Lots 17B and 17C from the NHA to Habitat. In the event that the Habitat-DHCD regulatory agreement does not provide the NHA with such right of first refusal, the NHA shall still maintain such right pursuant to the aforementioned deed from the Town of Nantucket."

[signature page follows]

IN WITNESS WHEREOF, the parties have executed and delivered this Regulatory Agreement under seal as of the date and year first written above.

Habitat for Humanity Nantucket, Inc.

By: _____
Gerry Keneally, President

By: _____
John Renwick MA, Treasurer

Nantucket Housing Authority

By: _____
Renee H. Ceely, Executive Director

NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Register of Deeds

COMMONWEALTH OF MASSACHUSETTS

2021 00001937
Bk: 1823 Pg: 245 Page: 1 of 8
Doc: EASE 05/13/2021 01:31 PM

Nantucket, ss

PERMANENT SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

AGREEMENT made this 20 day of April, 2021 by and between NHA Properties, Inc., a private non-profit corporation pursuant to M.G.L. Chapter 180 of 75 Old South Road, Nantucket, MA 02554 (hereinafter "*NHAPI*"), being the owner of land shown as Lot 7 on Plan File 44-Y filed with the Nantucket Registry of Deeds by virtue of a deed recorded in Book 455, Page 27 at the Nantucket Registry of Deeds; the Nantucket Housing Authority, a public body politic and corporate, pursuant to M.G.L. Chapter 121 B of 3 Manta Drive, Nantucket, MA 02554 (hereinafter *"NHA")* being the owner of land shown as Lot 2, Plan File 44-Y filed with Nantucket Registry of Deeds, by virtue of a deed recorded in Book 233, Page 26 at the Nantucket Registry of Deeds and Lot 3A on Plan File 50-F recorded at said Registry; and Habitat for Humanity Nantucket, Inc. c/o Swain's Travel, 35 Old South Road, Nantucket, MA 02554, (hereinafter "*Habitat*"), being the owners of Lot 17B and 17C on Plan filed with Nantucket Registry of Deeds as Plan No. 2020-13 by virtue of Deed recorded in Book 1823, Page 230 at said Registry.

WHEREAS the parties own adjacent properties and Habitat's sewer access and temporary construction access will cross over the NHAPI and NHA land and;

WHEREAS, the sewer line and temporary construction easement serving the Habitat lots will cross over the NHAPI and NHA lots in a location shown as "Proposed Temporary Easement – 10' wide" and "Proposed Permanent Easement" on the attached Exhibit A; and,

WHEREAS NHAPI and NHA wish to grant Habitat and to their successors and assigns with Quitclaim Covenants the perpetual right and easement for the sewer line shown

as the "Proposed Permanent Easement" and a temporary construction easement for as long as Habitat is constructing the single-family dwelling and duplex on Lot 17C and Lot 17B, respectively, as shown on the attached Exhibit A.

NOW THEREFORE in consideration of the mutual covenants herein contained, it is agreed as follows:

1. NHAPI and NHA wish to grant Habitat a sewer easement as shown as "Proposed Permanent Easement" on the attached Exhibit "A".

2. NHAPI and NHA wish to grant Habitat a 20' temporary construction easement shown as the two "Proposed Temporary Easement – 10' wide" areas on the attached Exhibit A.

3. Habitat shall have the right to use such temporary easements for all purposes for which driveways are customarily used in the Town and County of Nantucket, but shall not include the right to park in the easement area.

4. NHAPI and NHA shall allow Habitat to enter upon the property at reasonable times, to perform any and all work in a workmanlike manner and to maintain use of said easements in a hazardless condition and to hold and save the other harmless and defend against and from any and all costs and claims arising out of each lot owner's respective use of the easement.

5. The temporary construction access easements shall terminate upon issuance of a Certificate of Occupancy for the single-family dwelling and the duplex constructed by Habitat on Lots 17C and 17B, respectively.

6. The sewer line, as shown on the attached plan shall be solely maintained and utilized by Habitat and its successors in title, heirs, and assigns.

7. This agreement shall be recorded at the Nantucket Registry of deeds and, unless further modified by the Parties, shall be binding upon the Parties, their heirs, successors and assigns.

8. This easement shall run with the respective properties and be binding upon and inure to the benefit of the parties hereto together with their heirs, successors and assigns.

SIGNATURE PAGE TO FOLLOW

IN WITNESS WHEREOF the parties have hereunto set their hands and seals this 15 day of April, 2021

Habitat for Humanity Nantucket, Inc.

By: Gerry Keneally, President

By: John Renwick MA, Treasurer

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On this 15 day of April, 2021, before me, the undersigned notary public, personally appeared Gerry Keneally, (a) personally known to me, or (b) ✓ proved to me through satisfactory evidence of identification, which was _____ (type of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Official Signature and Seal of Notary Public
My commission expires:

JOHN B. BRESCHER
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
September 3, 2021

IN WITNESS WHEREOF the parties have hereunto set their hands and seals this 12 day of May, 2021

NHA Properties, Inc.

By: Peter Kaizer

By: Paul Wolf

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On this 12 day of May, 2021, before me, the undersigned notary public, personally appeared Peter Kaizer, (a) personally known to me, or (b) ____ proved to me through satisfactory evidence of identification, which was Drivers License (type of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Official Signature and Seal of Notary Public

My commission expires:

WILDA M. FALCONER
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
August 12, 2027

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On this 12 day of May, 2021, before me, the undersigned notary public, personally appeared Paul Wolf, (a) personally known to me, or (b) ____ proved to me through satisfactory evidence of identification, which was Drivers License (type of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Official Signature and Seal of Notary Public

My commission expires:

WILDA M. FALCONER
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
August 12, 2027

IN WITNESS WHEREOF the parties have hereunto set their hands and seals this 20 day of April, 2021

Nantucket Housing Authority

By: Penelope Dey
PENELOPE DEY

By: Linda Williams
LINDA WILLIAMS

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On this 20 day of April, 2021, before me, the undersigned notary public, personally appeared PENELOPE DEY, (a) personally known to me, or (b) ____ proved to me through satisfactory evidence of identification, which was _____ (type of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Official Signature and Seal of Notary Public
My commission expires:

Renee H. Ceely
My Commission Expires August 14, 2026
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

ACKNOWLEDGMENT CERTIFICATE

On this 20th day of April, 2021, before me, the undersigned notary public, personally appeared Linda F. Williams (name of document signer), proved to me through satisfactory evidence of identification, which were KNOWN PERSONALLY, to be the person whose name is signed on the preceding or attached document and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

(as partner for _____, a corporation)
(as _____ for _____, a corporation)
(as attorney in fact for _____, the principal)
(as TREASURER for NANTUCKET HA, (a) (the) _____)

Renee H. Ceely
My Commission Expires August 14, 2026
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS

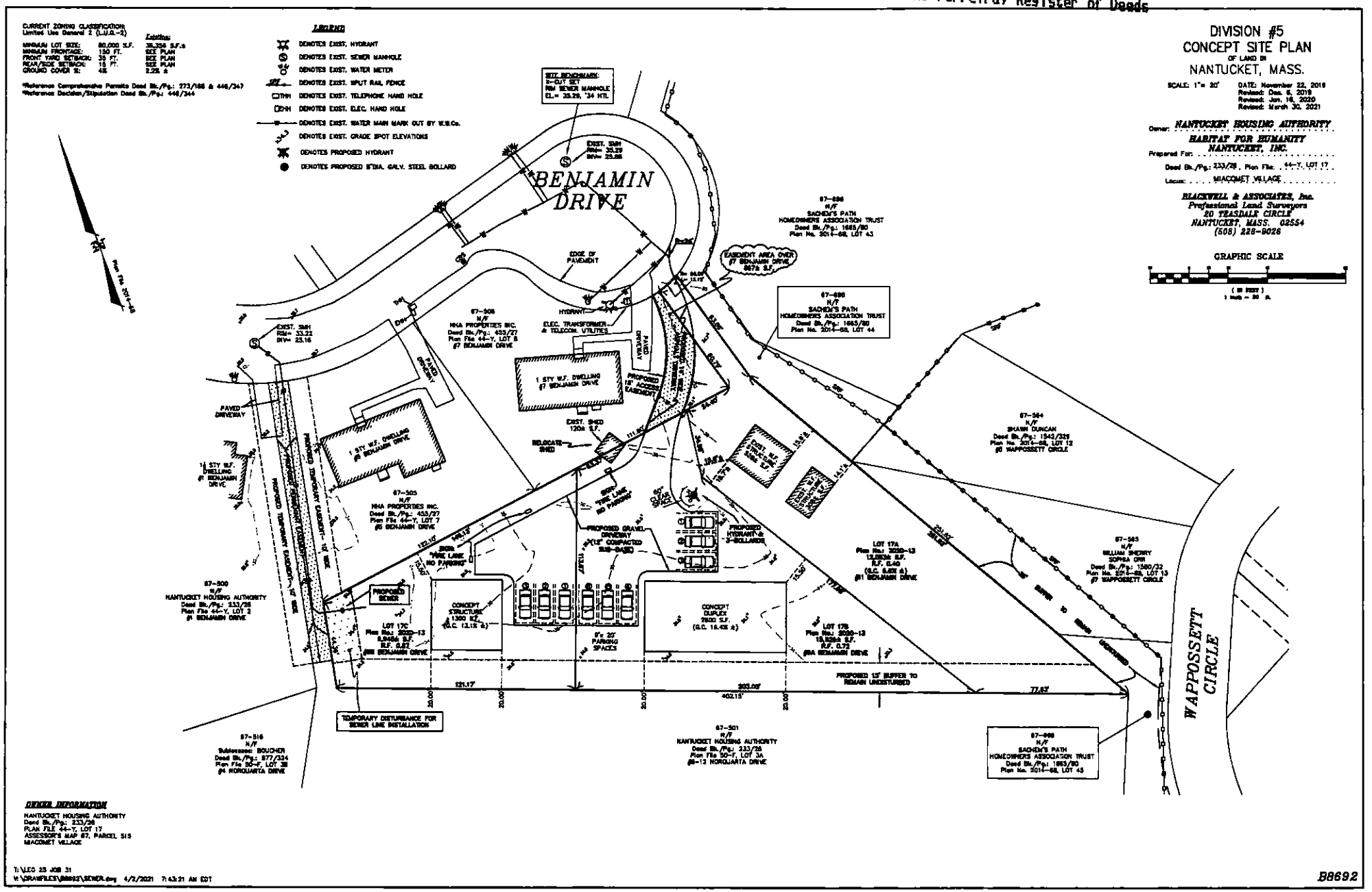
_____
(official signature and seal of notary)

My Commission Expires _____

NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Register of Deeds

Bk: 01823 Pg: 252

Exhibit A



2021 00001938
Bk: 1823 Pg: 253 Page: 1 of 8
Doc: EASE 05/13/2021 01:31 PM

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

COMMON DRIVEWAY, ACCESS, AND UTILITY EASEMENT AND AGREEMENT

AGREEMENT made this 30 day of April, 2021 by and between NHA Properties, Inc., a private non-profit corporation pursuant to M.G.L. Chapter 180 of 75 Old South Road, Nantucket, MA 02554 (hereinafter "*NHAPI*"), being the owner of land shown as Lot 8 on Plan File 44-Y filed with the Nantucket Registry of Deeds by virtue of a deed recorded in Book 455, Page 27 at the Nantucket Registry of Deeds; the Nantucket Housing Authority, a public body politic and corporate, pursuant to M.G.L. Chapter 121 B of 3 Manta Drive, Nantucket, MA 02554 (hereinafter *"NHA")* being the owner of land shown as Lot 17A on Plan filed with Nantucket Registry of Deeds as Plan No. 2020-13, by virtue of a deed recorded in Book 233, Page 26 at the Nantucket Registry of Deeds; and Habitat for Humanity Nantucket, Inc. c/o Swain's Travel, 35 Old South Road, Nantucket, MA 02554, (hereinafter "*Habitat*"), being the owners of Lot 17B and 17C on Plan filed with Nantucket Registry of Deeds as Plan No. 2020-13 by virtue of Deed recorded in Book 1823, Page 230 at said Registry.

WHEREAS the parties own adjacent properties and access to Habitat's property will cross over the NHAPI land and;

WHEREAS, the utilities and driveway serving the Habitat lots will cross over the NHAPI and NHA lots in a location shown as "Proposed 14' Asphalt Driveway" on the attached Exhibit A; and,

WHEREAS NHAPI and NHA wish to grant Habitat and to their successors and assigns with Quitclaim Covenants the perpetual right and easement to a driveway and access and utilities as shown on the attached Exhibit A.

NOW THEREFORE in consideration of the mutual covenants herein contained, it is agreed as follows:

1. NHAPI and NHA wish to grant Habitat a 14' foot driveway and access easement as shown on the Exhibit "A".

2. NHAPI and NHA wish to grant Habitat a 14' foot utility easement as shown on the attached Exhibit A.

3. The driveway, as shown on the attached plan shall be solely maintained and utilized by Habitat and its successors, heirs, and assigns;

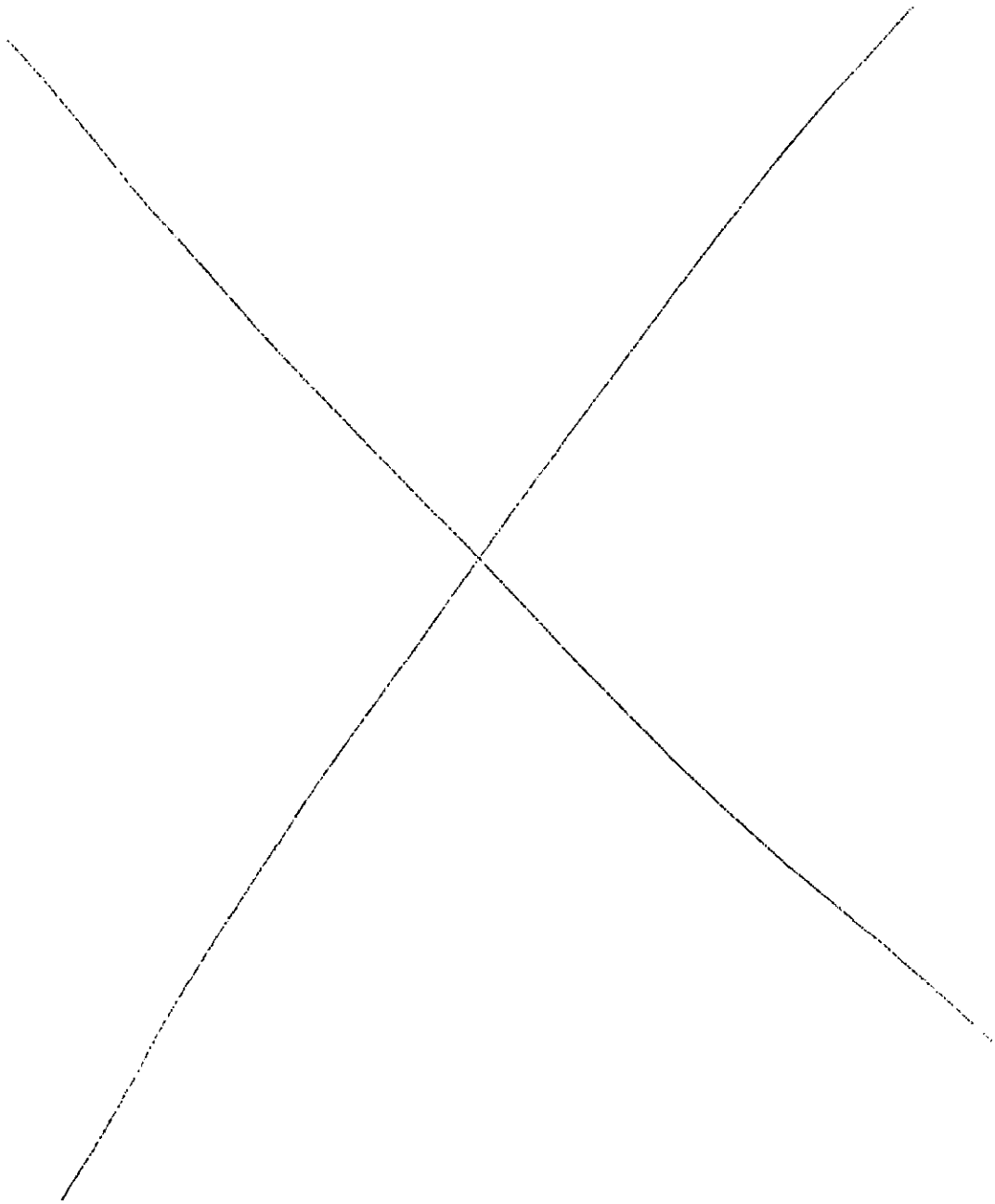
4. Habitat shall have the right to use such driveway for all purposes for which driveways are customarily used in the Town and County of Nantucket, but shall not include the right to park in the easement area.

5. NHAPI and NHA shall allow Habitat to enter upon the property at reasonable times, to perform any and all work in a workmanlike manner and to maintain use of said easement in a hazardless condition and to hold and save the other harmless and defend against and from any and all costs and claims arising out of each lot owner's respective use of the easement.

6. This agreement shall be recorded at the Nantucket Registry of deeds and, unless further modified by the Parties, shall be binding upon the Parties, their heirs, successors and assigns.

7. This easement shall run with the respective properties and be binding upon and inure to the benefit of the parties hereto together with their heirs, successors and assigns.

SIGNATURE PAGE TO FOLLOW



IN WITNESS WHEREOF the parties have hereunto set their hands and seals this 15 day of April, 2021

Habitat for Humanity Nantucket, Inc.

By: Gerry Keneally, President

By: John Renwick MA, Treasurer

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On this 15 day of April, 2021, before me, the undersigned notary public, personally appeared Gerry Keneally, (a) personally known to me, or (b) ✓ proved to me through satisfactory evidence of identification, which was _____ (type of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Official Signature and Seal of Notary Public
My commission expires:

JOHN B. BRESCHER
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
September 3, 2021

IN WITNESS WHEREOF the parties have hereunto set their hands and seals this 13 day of May, 2021

NHA Properties, Inc.

By: Peter Kaizer

By: Paul Wolf

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On this 12 day of May, 2021, before me, the undersigned notary public, personally appeared Peter Kaizer, (a) personally known to me, or (b) ____ proved to me through satisfactory evidence of identification, which was Driver License (type of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that ~~he/she signed~~ it voluntarily for its stated purpose.

Official ~~Signature~~ and Seal of Notary Public

My commission expires:

WILDA M. FALCONER
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
August 12, 2027

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On this 12 day of May, 2021, before me, the undersigned notary public, personally appeared Paul Wolf, (a) personally known to me, or (b) ____ proved to me through satisfactory evidence of identification, which was Driver License (type of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that ~~he/she signed~~ it voluntarily for its stated purpose.

Official ~~Signature~~ and Seal of Notary Public

My commission expires:

WILDA M. FALCONER
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
August 12, 2027

IN WITNESS WHEREOF the parties have hereunto set their hands and seals this 20 day of APRIL, 2021

Nantucket Housing Authority

By: PENELOPE DEY

By: LINDA WILLIAMS

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On this 20 day of APRIL, 2021, before me, the undersigned notary public, personally appeared PENELOPE DEY, (a) personally known to me, or (b) ____ proved to me through satisfactory evidence of identification, which was _____ (type of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Official Signature and Seal of Notary Public
My commission expires:

Renee H. Ceely
My Commission Expires August 14, 2026
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS

ACKNOWLEDGMENT CERTIFICATE

On this 20th day of April, 2021, before me, the undersigned notary public, personally appeared LINDA F. WILLIAMS (name of document signer), proved to me through satisfactory evidence of identification, which were KNOWN PERSONALLY, to be the person whose name is signed on the preceding or attached document and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

(as partner for _____, a corporation)
(as _____ for _____, a corporation)
(as attorney in fact for _____ the principal)
(as INSPECTOR for NANTUCKET HA (a) (the) _____)

Renee H. Ceely
My Commission Expires August 14, 2026
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS

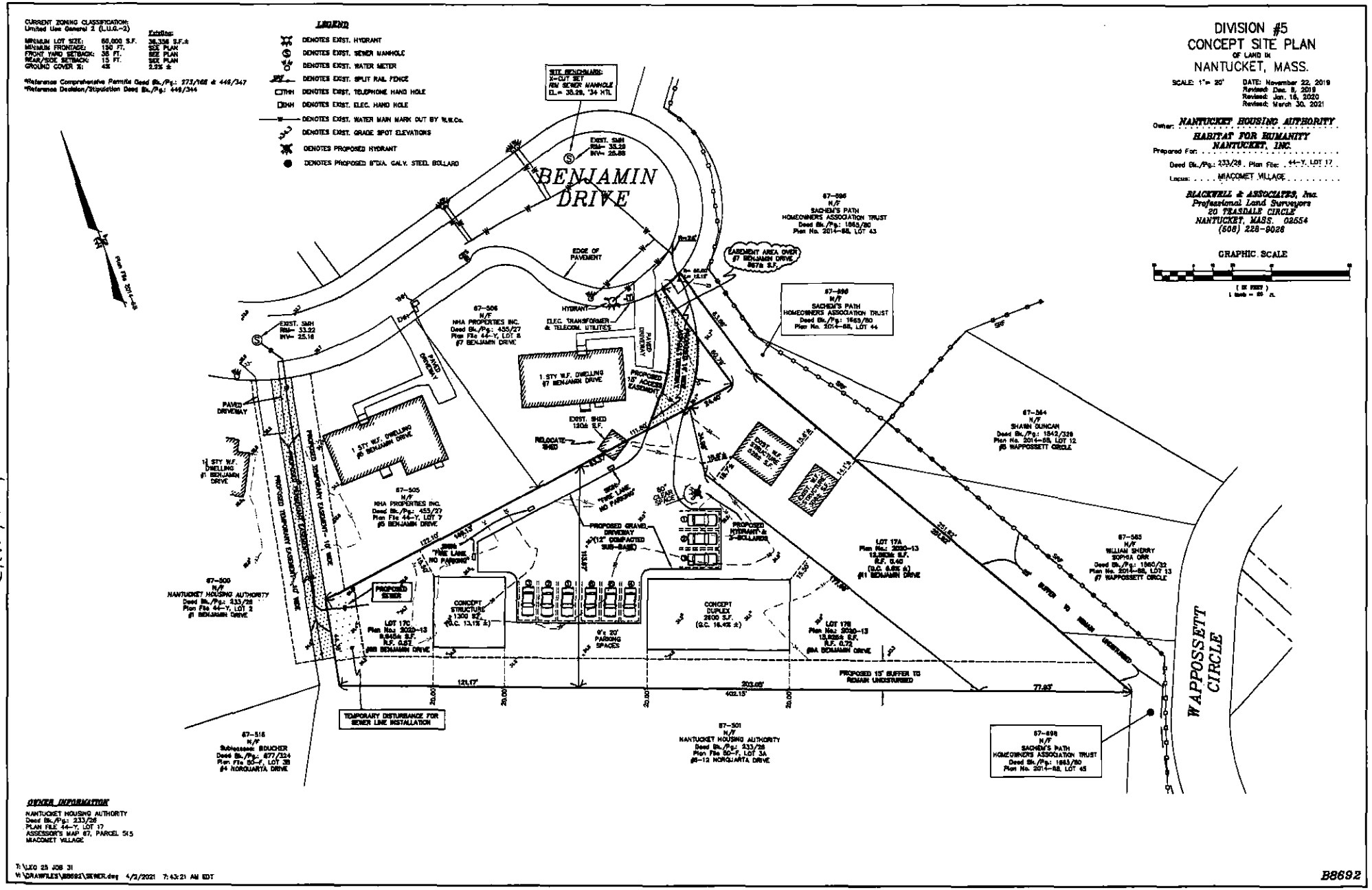
_____
(official signature and seal of notary)

My Commission Expires _____

NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Register of Deeds

Bk: 01823 Pg: 260

Exhibit A



Commonwealth of Massachusetts
DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT
Charles D. Baker, Governor ◆ Karyn E. Polito, Lt. Governor ◆ Jennifer D. Maddox, Undersecretary

May 7, 2021

Dawn Hill-Holdgate, Chair
Select Board
Town of Nantucket
16 Broad Street
Nantucket, Massachusetts 02554

Gerald Keneally, President
Habitat for Humanity Nantucket, Inc.
P.O. Box 1022
Nantucket, Massachusetts 02554

RE: Benjamin Drive, Nantucket, Massachusetts
Determination of Project Eligibility under the Local Initiative Program (LIP)

Dear Ms. Hill-Holdgate and Mr. Keneally:

I am pleased to inform you that your application for project eligibility under the Local Initiative Program (LIP) for the proposed Benjamin Drive project has been approved. This approval is based on your application that sets forth a plan for the development of three homeownership units. The proposed sales prices of the LIP units are generally consistent with the standards for affordable housing to be included in a community's Chapter 40B affordable housing stock.

As part of the review process, Department of Housing and Community Development (DHCD) staff has performed an on-site inspection of the proposed project sites. DHCD has made the following findings:

1. The proposed project appears generally eligible under the requirements of the Local Initiative Program, subject to final program review and approval;
2. The site of the proposed project is generally appropriate for residential development;
3. The conceptual plan is generally appropriate for the site on which the project is located;
4. The proposed project appears financially feasible in the context of the Nantucket housing market;
5. The initial pro forma for the project appears financially feasible and consistent with cost examination and limitations on profits and distributions on the basis of estimated development costs;

6. The project sponsor and the development team meet the general eligibility standards of the Local Initiative Program;
7. The project sponsor has an executed Purchase and Sale agreement for the site.

The proposed project must comply with all state and local codes not specifically exempted by a comprehensive permit.

Please provide us with a copy of the comprehensive permit as soon as it is issued. The DHCD legal office will review the comprehensive permit and other project documentation. Additional information may be requested as is deemed necessary. Following the issuance of the comprehensive permit, the specifics of this project must be formalized in a regulatory agreement signed by the municipality, the project developer, and DHCD prior to starting construction.

As stated in the application, the Benjamin Drive project will consist of three units, all of which will be affordable and eligible for inclusion in the Town's subsidized housing inventory. The affordable units will be marketed and sold to eligible households whose annual income may not exceed 80% of area median income, adjusted for household size, as determined by the U.S. Department of Housing and Urban Development.

Please note that under the Comprehensive Permit Guidelines, IV.B.1.b, this project qualifies as an exception to the requirement to submit an as-is appraisal of the property.

The conditions that must be met prior to final DHCD approval include:

1. A final affirmative fair marketing and lottery plan with related forms shall be submitted that reflects LIP requirements including consistency with the *Comprehensive Permit Guidelines, Section III, Affirmative Fair Housing Marketing Plans;*

2. Any changes to the application it has just reviewed and approved, including but not limited to alterations in unit mix, sales price, development team, unit design, site plan and financial pro forma reflecting land value, must be approved by DHCD;

3. The project must be organized and operated so as not to violate the state anti-discrimination statute (M.G.L. c151B) or the Federal Fair Housing statute (42 U.S.C. s.3601 et seq.). No restriction on occupancy may be imposed on the affordable unit (other than those created by state or local health and safety laws regulating the number of occupants in dwelling units); and

4. The Town shall submit to DHCD the finalized details of the comprehensive permit.

As the Benjamin Drive project nears completion of construction, DHCD staff may visit the site to ensure that the development meets program guidelines.

When the units have received Certificates of Occupancy, the developer must submit to both DHCD and the Nantucket Board of Selectmen a project cost compilation for the comprehensive permit project.

This letter shall expire two years from this date or on May 7, 2023 unless a comprehensive permit has been issued.

We congratulate the town of Nantucket and Habitat for Humanity Nantucket, Inc. on your efforts to work together to increase the Town's supply of affordable housing. If you have any questions as you proceed with the project, please call Alana Murphy at 617-573-1301.

Sincerely,

Catherine Racer
Director

cc: Andrew Vorce, Town Planner
C. Elizabeth Gibson, Town Manager
Susan McCarthy, Zoning Board of Appeals
Office of the Chief Counsel, DHCD

Enc.

RESPONSIBILITY FOR COST CERTIFICATION:

By your signature below, Habitat for Humanity Nantucket, Inc. , acknowledges and accepts this approval letter, including the obligation under law to provide the Department of Housing and Community Development and the town of Nantucket with a project cost compilation.

Signature:_____

Name (print):_____

Date:_____

Upon receipt, please make copy of this letter and return a signed copy to Division of Housing Development, Department of Housing and Community Development, 100 Cambridge Street, Boston, MA 02114 ATTN: Local Initiative Program

Benjamin Drive, Nantucket, Massachusetts

LOCAL INITIATIVE PROGRAM – COMPREHENSIVE PERMIT

Sponsor:
Habitat for Humanity Nantucket, Inc.
P.O. Box 1022
Nantucket, MA 02554

Project Addresses:
Benjamin Drive
Nantucket, MA 02554

This project will provide ownership opportunities according to the following breakdown:

Type of Unit	# of Units	# of Bdrms.	# of Baths	Gross SF	Condo Fee	Maximum Sales Price
Market Units	N/A					
LIP Units	1 (SF) 2 (duplex)	2 2	2 2	1,300 1,300	N/A $70	$277,000 277,000
Total Units	3					

ORIGINAL APPLICATION

DECISION MADE ON 12/12/2019

BENJAMIN DRIVE PROJECT

NANTUCKET HOUSING AUTHORITY (OWNER)
&
HABITAT FOR HUMANITY NANTUCKET, INC.,
(APPLICANT)

40B

MODIFICATION OF PRIOR COMPREHENSIVE PERMITS

- ***025-86***
- ***050-86***
- ***030-94***
- ***110-93***
- ***017-97***

MIACOMET VILLAGE

FILE NO. 30-19

NANTUCKET
TOWN CLERK
2019 OCT 24 PM 3:44

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

Zoning Board of Appeals
OCT 25 2019
RECEIVED

APPLICATION

Fee: $450.00 **File No. 30-19**

Owner's name(s): **Nantucket Housing Authority**

Mailing address: **3 Manta Drive, Nantucket, MA 02554**

Phone Number: 508-228-0296 E-Mail: admin@nantuckethousingauthority.org

Applicant's name(s): **Habitat For Humanity Nantucket, Inc.**

Mailing Address: **35 Old South Road, Nantucket, MA 02554**

Phone Number: 508-325-8912 E-Mail: John@gliddenandglidden.com

Locus Address: **Miacomet Village** Assessor's Map/Parcel: **67 / 515**

~~Land Court Plan~~/Plan Book & Page/~~Plan File No.~~: **Lot 17, Plan 44-Y**

Deed Reference~~/Certificate of Title~~: **Book 233, Page 26**
Zoning District: **LUG-2**

Uses on Lot- Commercial: **No** Yes (describe)

Residential: Number of dwellings: **0** Duplex ____ Apartments _____ _____

Date of Structure(s):

Building Permit Numbers:

Previous Zoning Board Application Numbers:

025-86
~~**05-86**~~ 050-86
030-94
110-93
017-97

State below or attach a separate addendum of specific special permits or variance relief applying for:

See attached Addendum A

I certify that the information contained herein is substantially complete and true to the best of my knowledge, under the pains and penalties of perjury.

SIGNATURE: _____ CHAIRMAN N.H.A. Owner*

SIGNATURE: _____
~~Applicant~~/Attorney/~~Agent*~~

*If an Attorney or other Agent is representing the Owner or the Applicant, please provide a signed proof of agency.

OFFICE USE ONLY

Application received on:__/__/__ By:_____ Complete:____ Need Copies:_____
Filed with Town Clerk:_/_/_ Planning Board:_/_/_ Building Dept.:_/_/_ By:___
Fee deposited with Town Treasurer:_/_/_ By:___ Waiver requested:____
Granted:__/__/__ Hearing notice posted with Town Clerk:_/_/__ Mailed:__/__/__
I&M__/__/__ &__/__/__ Hearing(s) held on:__/__/__ Opened on :__/__/__
Continued to:__/__/__ Withdrawn:__/__/__ Decision Due By:__/__/__
Made:__/__/__ Filed w/Town Clerk:__/__/__ Mailed:__/__/__

Addendum A

The Owner, Nantucket Housing Authority ("NHA"), is the record title holder to the property shown as Lot 17 on Plan 44-Y by virtue of a deed recorded in Book 233, Page 26 at the Nantucket Registry of Deeds.

The Locus is part of what is known as the "Miacomet Village" 40B, which was approved in Zoning Board of Appeals Decision Nos. 025-86, 050-86, 030-94, 110-93, and 17-97 (the "Comprehensive Permits"). Said Zoning Board of Appeal Decisions approved the development of the surrounding properties along Miacomet Road and Benjamin Drive. The Locus, which is referred to as "Lot 17" on said plans is approximately 38,356 sf and contains two structures for storage/maintenance. Per Paragraph 5(e) in Decision No. 030-94 (said decision recorded in Book 449, Page 334), "The areas shown as #17 will not contain any dwellings, but may have no more than two maintenance/storage garages;"...

The NHA has entered into an agreement with Habitat for Humanity Nantucket, Inc. ("Habitat") for Habitat to apply to the Zoning Board of Appeals to modify the Comprehensive Permits to allow Lot 17 to contain dwellings and be further subdivided as shown on the enclosed plans. Such a modification is, in Habitat's estimation, a substantial modification of the existing Comprehensive Permits. However, the understanding between NHA and Habitat is any transfer of ownership of a portion of said Lot 17 is expressly contingent upon a satisfactory outcome, in the NHA's sole opinion, of the Zoning Board of Appeals process. Upon any decision rendered by the Zoning Board of Appeals, the NHA and Habitat shall review the terms of the conditions of said decision and, if acceptable to the NHA, the NHA may deed any such portions of Lot 17 to Habitat.

Accordingly, Habitat is requesting the following in order for Lot 17 to be subdivided into three (3) lots (two containing dwelling units; one not having any dwelling units) as shown on the attached plans. Concept Lot 1 will continue to not have any dwellings and will contain the two existing outbuildings; Concept Lot 2 will contain a single-family dwelling or a duplex which will then be converted to a condominium form of ownership to be conveyed to two (2) families; and Concept Lot 3 will contain a single-family dwelling to be conveyed to an eligible family in fee simple ownership. Concept Lots 2 and 3 shall abide by the proposed Homeowner's Association declaration of restrictions which is enclosed in this application as well.

Said single-family dwelling will contain two (2) bedrooms. As shown on the attached site plans, the structures will otherwise conform to the intensity regulations of the R-10 zoning district.

The existing shed on #7 Benjamin Drive and concept lot 2 will be moved so it is entirely on the #7 Benjamin Drive property.

In order to effectuate such a modification, the Applicant hereby requests the following:

Waivers:

1. Modify the existing Comprehensive Permits so as to remove the condition that Lot 17 will not contain any dwellings.

2. To the extent necessary, modify the existing Comprehensive Permits so as to allow Lot 17 to be divided into Concept Lots 1-3 as shown on the attached plan.

3. To the extent necessary, Applicant requests a waiver of the uses as shown in Section 139-7.A. to allow for a duplex use in LUG-2 zoning.

4. To the extent necessary, Applicant requests relief from Section 139-16 (intensity regulations) to create concept lots 1-3 as shown on the attached plan. Said lots would conform with the R-10 intensity regulations of setbacks and ground cover, however, only concept Lot 1 would have legal frontage. Concept Lots 2-4 will have access via easements from 7 Benjamin Drive. A draft of said easements is enclosed in this application.

5. Applicant is requesting relief from 139-20.1 in order to allow for two curb cuts on 7 Benjamin Drive so 7 Benjamin drive will have their own access and a portion of the shared driveway to access Concept Lots 2-3 will be on a portion of 7 Benjamin Drive as well.

6. To the extent necessary, Applicant is requesting relief from the Rules and Regulations of the Nantucket Planning Board and the Subdivision Control Law,

Selection Process:

Enclosed in the application is a Pro-Form of Habitat's selection process.

HDC Plans:

Enclosed are plans from the homes that Habitat constructed at Sachem's Path. The intention is to use these same plans for the single-family dwellings.

Utilities:

The intention is to connect to the existing utilities in Benjamin Drive via the utility/access easement across 7 Benjamin Drive and Concept Lot 1.

A copy of said draft easements are enclosed in this application.

Landscaping:

The intention is to maintain the existing landscaping as much as possible. Enclosed are photographs showing the site and the mature, existing trees.

Conclusion:

The requested relief to modify the existing Comprehensive Permit rises to the level of a substantial modification and the request to add two lots with dwelling units is consistent with local needs. Habitat reserves the right to supplement this application with other materials as may be necessary.

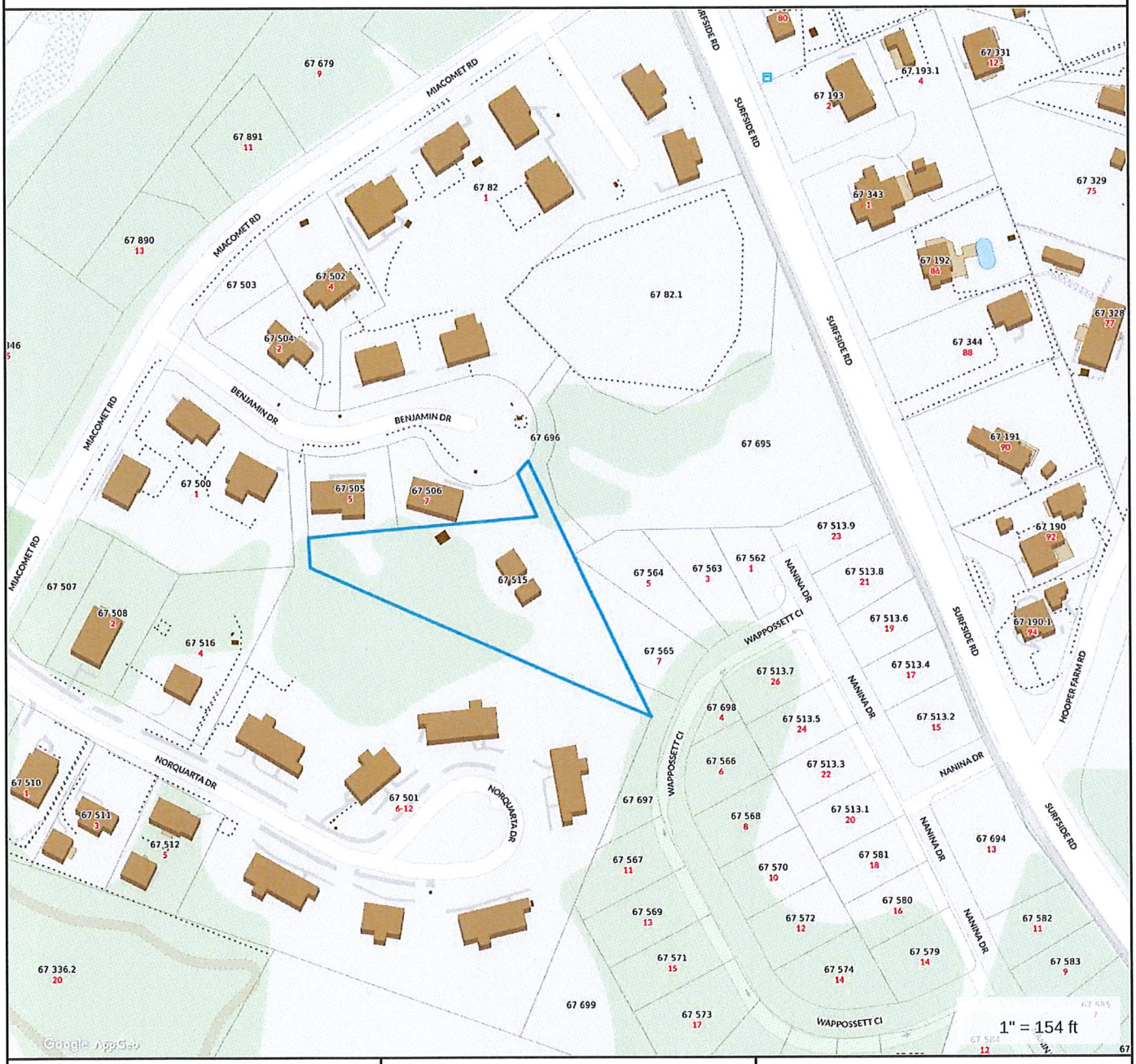
LIST OF WAIVERS REQUESTED

Amended November 26, 2019

Code Section	Required	Provided
139-7a – uses (allow Duplex use in LUG-2 zoning district)	Duplexes are not allowed per Section 139-7a in the LUG-2 zoning district	The Applicant is requested this requirement be waived and one duplex is allowed on Concept Lot 2
139-7a – uses (allow storage structures as primary use on lot)	Garages and sheds are not allowed primary uses on a lot in the LUG-2 zoning district	Concept Lot 1 will continue to maintain an existing garage and storage structure, which shall be the primary use on that lot
139-16A – intensity regulations (waive frontage requirements of the LUG-2 zoning district for Concept Lots 1 – 3)	150 ft of frontage is required in LUG-2 zoning	Concept Lots 2 & 3 will have 0 ft of frontage; Concept Lot 1 will continue to have approximately 12 ft of frontage along Benjamin Drive
139-16A – intensity regulations (waive minimum lot size requirement in LUG-2 zoning district for Concept Lots 1 – 3)	80,000 square feet is the minimum lot size in LUG-2 zoning	Concept Lot 1 will have approximately 12,583 sf of area; Concept Lot 2 will have approximately 15,826 sf of area; and Concept Lot 3 will have approximately 9,946 sf of area
139-16A – intensity regulations (waive setback requirements)	There is a 35 front yard setback in LUG-2 and a 15 foot side/rear yard setback	Concept Lot 1 will be as close as 14.1 feet from the easterly side yard setback
139-16A – intensity regulations (waive ground cover ratio)	The ground cover ratio in the LUG-2 zoning district is 4%	Concept Lot 1 will have a ground cover ratio of approximately 6.6%; Concept Lot 2 will have a ground cover ratio of approximately 16.4%; and Concept Lot 3 will have a ground cover ratio of approximately 13.1%
139-16D – intensity regulations (waive regularity factor)	The regularity factor for lots shall not be less than 0.55.	Concept Lot 1 will have a regularity factor of 0.40
139-20.1 – Driveway Access (waive requirement of only one curb cut per lot)	There shall not be more than one driveway access on a lot	#7 Benjamin Drive (Map 67, Parcel 506) will have two curb cuts on the lot. One

		curb cut will serve the existing house at #7 Benjamin Drive; the other curb cut will be a portion of the proposed asphalt driveway servicing Concept Lots 2 & 3

Miacomet Village



Property Information

Property ID	67 515
Location	MIACOMET VILLAGE
Owner	NANTUCKET HOUSING AUTHORITY

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/13/2018
Data updated 11/19/2018

RECEIVED
BOARD OF ASSESSORS
OCT 11 2019
TOWN OF
NANTUCKET, MA

Town of Nantucket

Zoning Board of Appeals

$15 (charged to acct)

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER.....

MAILING ADDRESS.....

PROPERTY LOCATION.....MIACOMET VILLAGE.....

ASSESSOR MAP/PARCEL.....67 - 515.....

APPLICANT.....BRESCHER.....

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of abutting property, owners of land directly opposite on any public or private street or way; and abutters of the abutters and all other land owners within 300 feet of the property line of owner's property, all as they appear on the most recent applicable tax list (M.G.L. c. 40A, Section 11 Zoning Code Chapter 40A Section 139-2

10-11-19
DATE

ASSESSOR'S OFFICE
Town of Nantucket

Abutters List

MBLU	Lot	Lot Cat	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
67	82		NANTUCKET HOUSING AUTHORITY		3 MANTA DR	NANTUCKET	MA	02554	1 MANTA DR
67	82	1	NANTUCKET TOWN OF		16 BROAD STREET	NANTUCKET	MA	02554	SURFSIDE RD
67	346		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	15 MIACOMET RD
67	500		NANTUCKET HOUSING AUTHORITY		3 MANTA DR	NANTUCKET	MA	02554	1 BENJAMIN DR
67	501		NANTUCKET HOUSING AUTHORITY		3 MANTA DR	NANTUCKET	MA	02554	6-12 NORQUARTA DR
67	502		NHA PROPERTIES INC		PO BOX 3149	NANTUCKET	MA	02584	4 BENJAMIN DR
67	503		NANTUCKET HOUSING AUTHORITY		3 MANTA DR	NANTUCKET	MA	02554	MIACOMET VILLAGE
67	504		NHA PROPERTIES INC		PO BOX 3149	NANTUCKET	MA	02584	2 BENJAMIN DR
67	505		NHA PROPERTIES INC		PO BOX 3149	NANTUCKET	MA	02584	5 BENJAMIN DR
67	506		NHA PROPERTIES INC		PO BOX 3149	NANTUCKET	MA	02584	7 BENJAMIN DR
67	507		NANTUCKET HOUSING AUTHORITY		3 MANTA DR	NANTUCKET	MA	02554	MIACOMET VILLAGE
67	508		NHA PROPERTIES INC		PO BOX 3149	NANTUCKET	MA	02584	2 NORQUARTA DR
67	510		NHA PROPERTIES INC		PO BOX 3149	NANTUCKET	MA	02584	1 NORQUARTA DR
67	511		NHA PROPERTIES INC		PO BOX 3149	NANTUCKET	MA	02584	3 NORQUARTA DR
67	512		NHA PROPERTIES INC		PO BOX 3149	NANTUCKET	MA	02584	5 NORQUARTA DR
67	513	2	BERGMAN MARY BYRNE		15 NANINA DRIVE	NANTUCKET	MA	02554	15 NANINA DR
67	513	3	GRAZIADEI JASON W & ALICIA E		22 NANINA DR	NANTUCKET	MA	02554	22 NANINA DR
67	513	4	GRAY DAVID R		8 AMELIA DRIVE	NANTUCKET	MA	02554	17 NANINA DR
67	513	5	THEALL DAYTON H		PO BOX 75	NANTUCKET	MA	02554	24 NANINA DR
67	513	6	REZENDES SUSAN M & DAVID		19 NANINA DR	NANTUCKET	MA	02554	19 NANINA DR
67	513	8	ALEKSIEV SVETLOMIR		21 NANINA DR	NANTUCKET	MA	02554	21 NANINA DR
67	513	9	ANDERSON ERIC C & AUDREY E		PO BOX 2206	NANTUCKET	MA	02584	23 NANINA DR
67	515		NANTUCKET HOUSING AUTHORITY		3 MANTA DR	NANTUCKET	MA	02554	MIACOMET VILLAGE
67	516		BOUCHER TRACY & PAUL	C/O HABITAT FOR HUMANITY NANTUCKET	PO BOX 1022	NANTUCKET	MA	02554	4 NORQUARTA DR
67	563		BOIS SARAH T & CARL P JR		3 WAPPOSSETT CI	NANTUCKET	MA	02554	3 WAPPOSSETT CI
67	564		DUNCAN SHAWN G		5 WAPPOSSETT CIRCLE	NANTUCKET	MA	02554	5 WAPPOSSETT CI
67	566		WELCH RAMON R		6 WAPPOSSETT CIRCLE	NANTUCKET	MA	02554	6 WAPPOSSETT CI
67	567		BONTEMPI NICHOLAS J		11 WAPPOSSETT CIRCLE	NANTUCKET	MA	02554	11 WAPPOSSETT CI

67	569		YULDASHEV SHERZOD ETAL		13 WAPPOSSETT CIRCLE	NANTUCKET	MA	02554	13 WAPPOSSETT CI
67	570		SAVOVA TSVETENIN H & YORDANKA		10 WAPPOSSETT CIRCLE	NANTUCKET	MA	02554	10 WAPPOSSETT CI
67	572		OVIEDO LUIS & MARIELA		12 WAPPOSSETT CIRCLE	NANTUCKET	MA	02554	12 WAPPOSSETT CI
67	573		GAUVIN JESSE R & AHERN PETER		17 WAPPPOSSETT CIRCLE	NANTUCKET	MA	02554	17 WAPPOSSETT CI
67	574		MCCOY JAMIE L		14 WAPPOSSETT CIRCLE	NANTUCKET	MA	02554	14 WAPPOSSETT CI
67	580		IVANOV VARBAN		16 NANINA DR	NANTUCKET	MA	02554	16 NANINA DR
67	581		HERRICK TYLER W & ALYSON J		18 NANINA DR	NANTUCKET	MA	02554	18 NANINA DR
67	695		HERRICK TYLER W ETAL TR	SACHEMS PATH HOMEOWNERS ASSC TRUST	PO BOX 2131	NANTUCKET	MA	02554	SURFSIDE RD
67	696		HERRICK TYLER W ETAL TR	SACHEMS PATH HOMEOWNERS ASSC TRUST	PO BOX 2131	NANTUCKET	MA	02554	BENJAMIN DR
67	697		HERRICK TYLER W ETAL TR	SACHEMS PATH HOMEOWNERS ASSC TRUST	PO BOX 2131	NANTUCKET	MA	02554	9 WAPPOSSETT CI
67	698		HERRICK TYLER W ETAL TR	SACHEMS PATH HOMEOWNERS ASSC TRUST	PO BOX 2131	NANTUCKET	MA	02554	4 WAPPOSSETT CI
67	699		HERRICK TYLER W ETAL TR	SACHEMS PATH HOMEOWNERS ASSC TRUST	PO BOX 2131	NANTUCKET	MA	02554	WAPPOSSETT CI
69	295	9	NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	3 INDUSTRY RD
Count:	**41**								

NANTUCKET HOUSING AUTHORITY
3 MANTA DR
NANTUCKET, MA 02554

NANTUCKET TOWN OF
16 BROAD STREET
NANTUCKET, MA 02554

NANTUCKET ISLANDS LAND BANK
22 BROAD ST
NANTUCKET, MA 02554

NANTUCKET HOUSING AUTHORITY
3 MANTA DR
NANTUCKET, MA 02554

NANTUCKET HOUSING AUTHORITY
3 MANTA DR
NANTUCKET, MA 02554

NHA PROPERTIES INC
PO BOX 3149
NANTUCKET, MA 02584

NANTUCKET HOUSING AUTHORITY
3 MANTA DR
NANTUCKET, MA 02554

NHA PROPERTIES INC
PO BOX 3149
NANTUCKET, MA 02584

NHA PROPERTIES INC
PO BOX 3149
NANTUCKET, MA 02584

NHA PROPERTIES INC
PO BOX 3149
NANTUCKET, MA 02584

NANTUCKET HOUSING AUTHORITY
3 MANTA DR
NANTUCKET, MA 02554

NHA PROPERTIES INC
PO BOX 3149
NANTUCKET, MA 02584

NHA PROPERTIES INC
PO BOX 3149
NANTUCKET, MA 02584

NHA PROPERTIES INC
PO BOX 3149
NANTUCKET, MA 02584

NHA PROPERTIES INC
PO BOX 3149
NANTUCKET, MA 02584

BERGMAN MARY BYRNE
15 NANINA DRIVE
NANTUCKET, MA 02554

GRAZIADEI JASON W & ALICIA E
22 NANINA DR
NANTUCKET, MA 02554

GRAY DAVID R
8 AMELIA DRIVE
NANTUCKET, MA 02554

THEALL DAYTON H
PO BOX 75
NANTUCKET, MA 02554

REZENDES SUSAN M & DAVID
19 NANINA DR
NANTUCKET, MA 02554

ALEKSIEV SVETLOMIR
21 NANINA DR
NANTUCKET, MA 02554

ANDERSON ERIC C & AUDREY E
PO BOX 2206
NANTUCKET, MA 02584

NANTUCKET HOUSING AUTHORITY
3 MANTA DR
NANTUCKET, MA 02554

BOUCHER TRACY & PAUL
C/O HABITAT FOR HUMANITY
NANTUCKET
PO BOX 1022
NANTUCKET, MA 02554

BOIS SARAH T & CARL P JR
3 WAPPOSSETT CI
NANTUCKET, MA 02554

DUNCAN SHAWN G
5 WAPPOSSETT CIRCLE
NANTUCKET, MA 02554

WELCH RAMON R
6 WAPPOSSETT CIRCLE
NANTUCKET, MA 02554

BONTEMPI NICHOLAS J
11 WAPPOSSETT CIRCLE
NANTUCKET, MA 02554

YULDASHEV SHERZOD ETAL
13 WAPPOSSETT CIRCLE
NANTUCKET, MA 02554

SAVOVA TSVETENIN H & YORDANKA
10 WAPPOSSETT CIRCLE
NANTUCKET, MA 02554

OVIEDO LUIS & MARIELA
12 WAPPOSSETT CIRCLE
NANTUCKET, MA 02554

GAUVIN JESSE R & AHERN PETER
17 WAPPPOSSETT CIRCLE
NANTUCKET, MA 02554

MCCOY JAMIE L
14 WAPPOSSETT CIRCLE
NANTUCKET, MA 02554

IVANOV VARBAN
16 NANINA DR
NANTUCKET, MA 02554

HERRICK TYLER W & ALYSON J
18 NANINA DR
NANTUCKET, MA 02554

HERRICK TYLER W ETAL TR
SACHEMS PATH HOMEOWNERS ASSC
TRUST
PO BOX 2131
NANTUCKET, MA 02554

HERRICK TYLER W ETAL TR
SACHEMS PATH HOMEOWNERS ASSC
TRUST
PO BOX 2131
NANTUCKET, MA 02554

HERRICK TYLER W ETAL TR
SACHEMS PATH HOMEOWNERS ASSC
TRUST
PO BOX 2131
NANTUCKET, MA 02554

HERRICK TYLER W ETAL TR
SACHEMS PATH HOMEOWNERS ASSC
TRUST
PO BOX 2131
NANTUCKET, MA 02554

HERRICK TYLER W ETAL TR
SACHEMS PATH HOMEOWNERS ASSC
TRUST
PO BOX 2131
NANTUCKET, MA 02554

NANTUCKET TOWN OF
16 BROAD ST
NANTUCKET, MA 02554

PROPOSED SITE PLANS

updated plan - DIVISION# 5
DATED 11/22/2019

CURRENT ZONING CLASSIFICATION:
Limited Use General 2 (L.U.G.–2)

		Existing:
MINIMUM LOT SIZE:	80,000 S.F.	38,356 S.F.±
MINIMUM FRONTAGE:	150 FT.	SEE PLAN
FRONT YARD SETBACK:	35 FT.	SEE PLAN
REAR/SIDE SETBACK:	15 FT.	SEE PLAN
GROUND COVER %:	4%	2.2% ±

*Reference Comprehensive Permits Deed Bk./Pg.: 273/188 & 449/347
*Reference Decision/Stipulation Deed Bk./Pg.: 449/344

DIVISION #5
CONCEPT SITE PLAN
OF LAND IN
NANTUCKET, MASS.

SCALE: 1"= 20' DATE: November 22, 2019

NANTUCKET HOUSING AUTHORITY
Owner: . . . . . .

Deed Bk./Pg.: 233/26 . Plan File: 44–Y, LOT 17 .

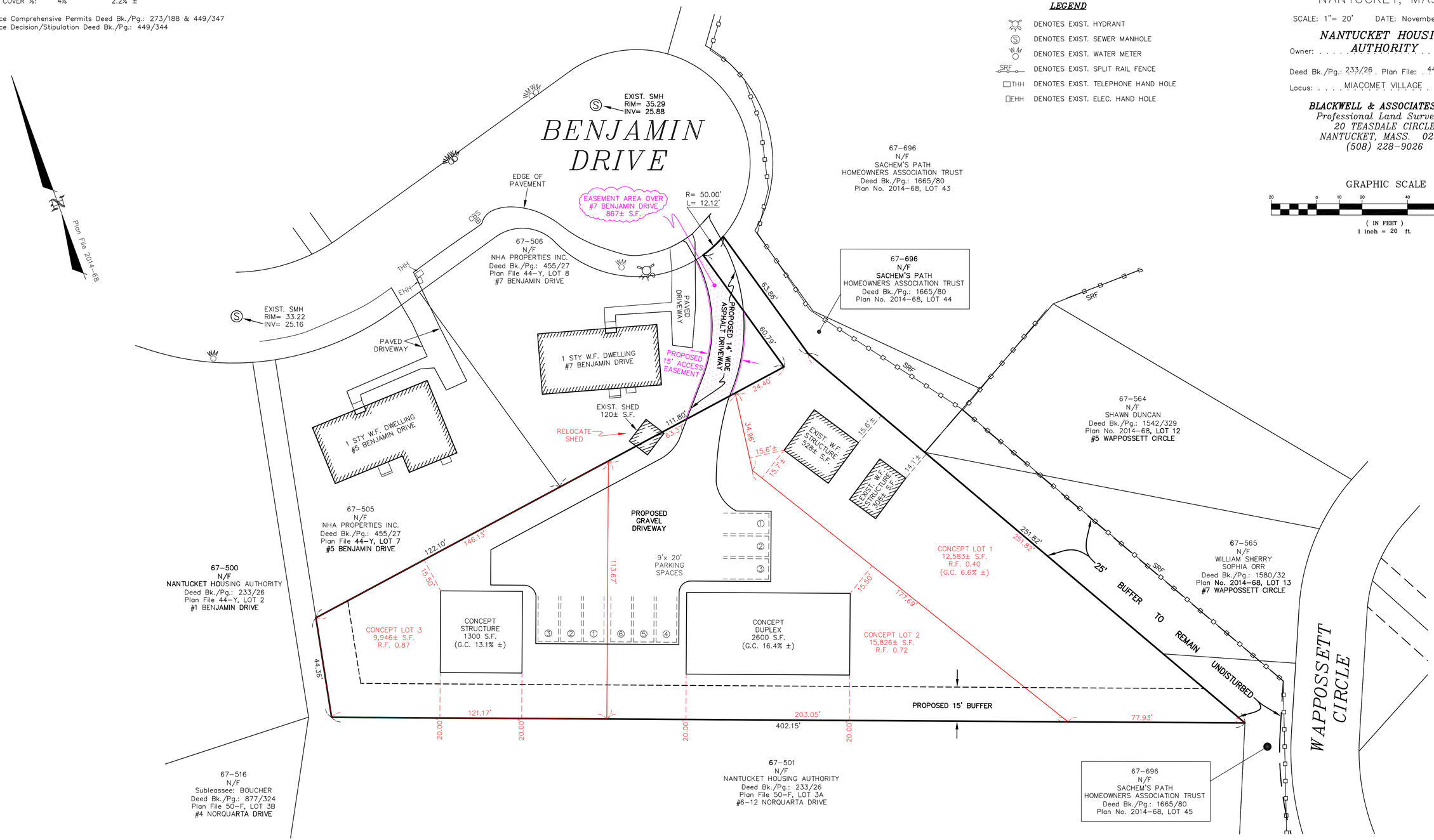
Locus: . . . . MIACOMET VILLAGE . . . . . .

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228–9026

LEGEND

- DENOTES EXIST. HYDRANT
- (S) DENOTES EXIST. SEWER MANHOLE
- W DENOTES EXIST. WATER METER
- SRF DENOTES EXIST. SPLIT RAIL FENCE
- THH DENOTES EXIST. TELEPHONE HAND HOLE
- EHH DENOTES EXIST. ELEC. HAND HOLE

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

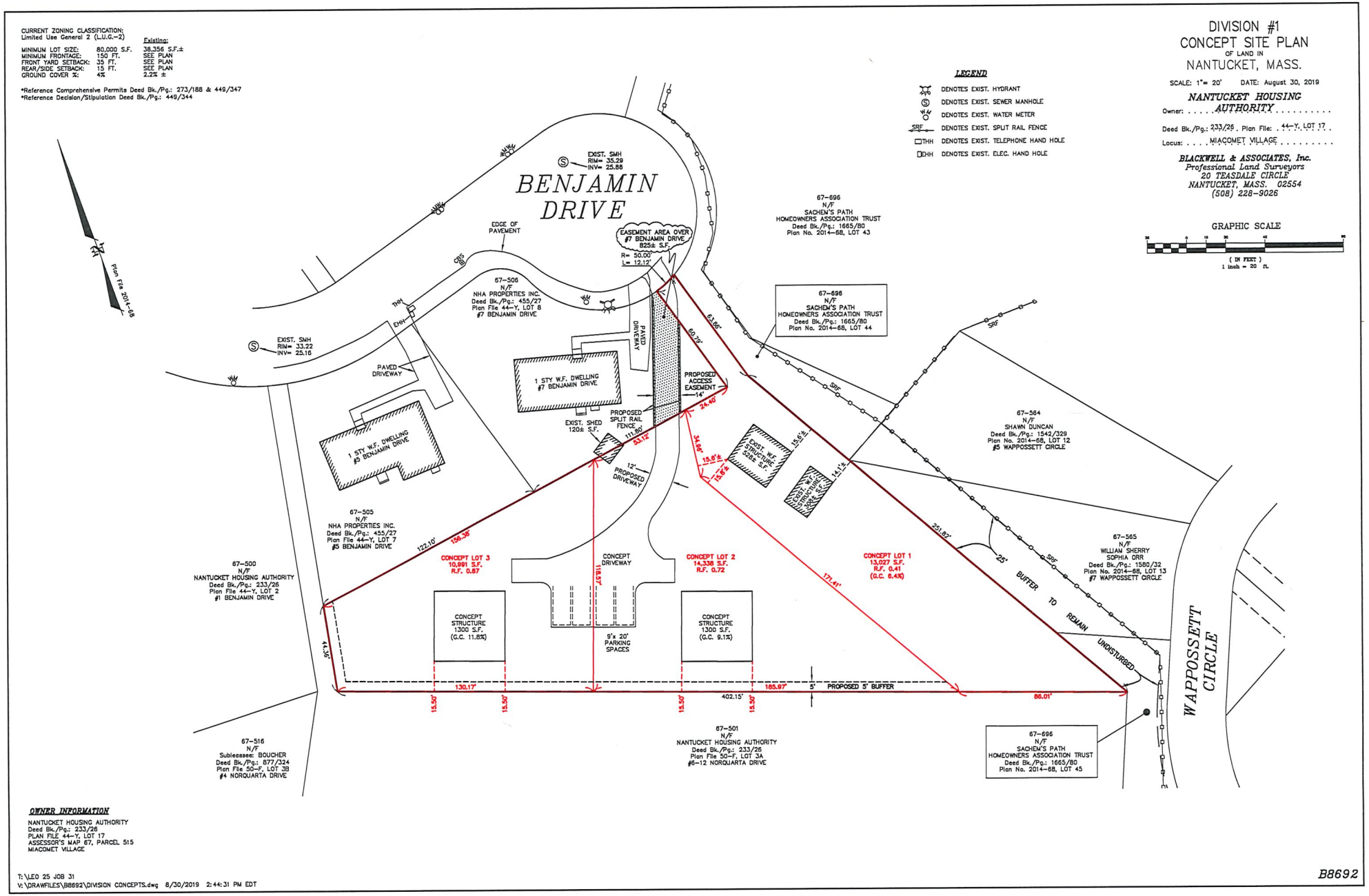


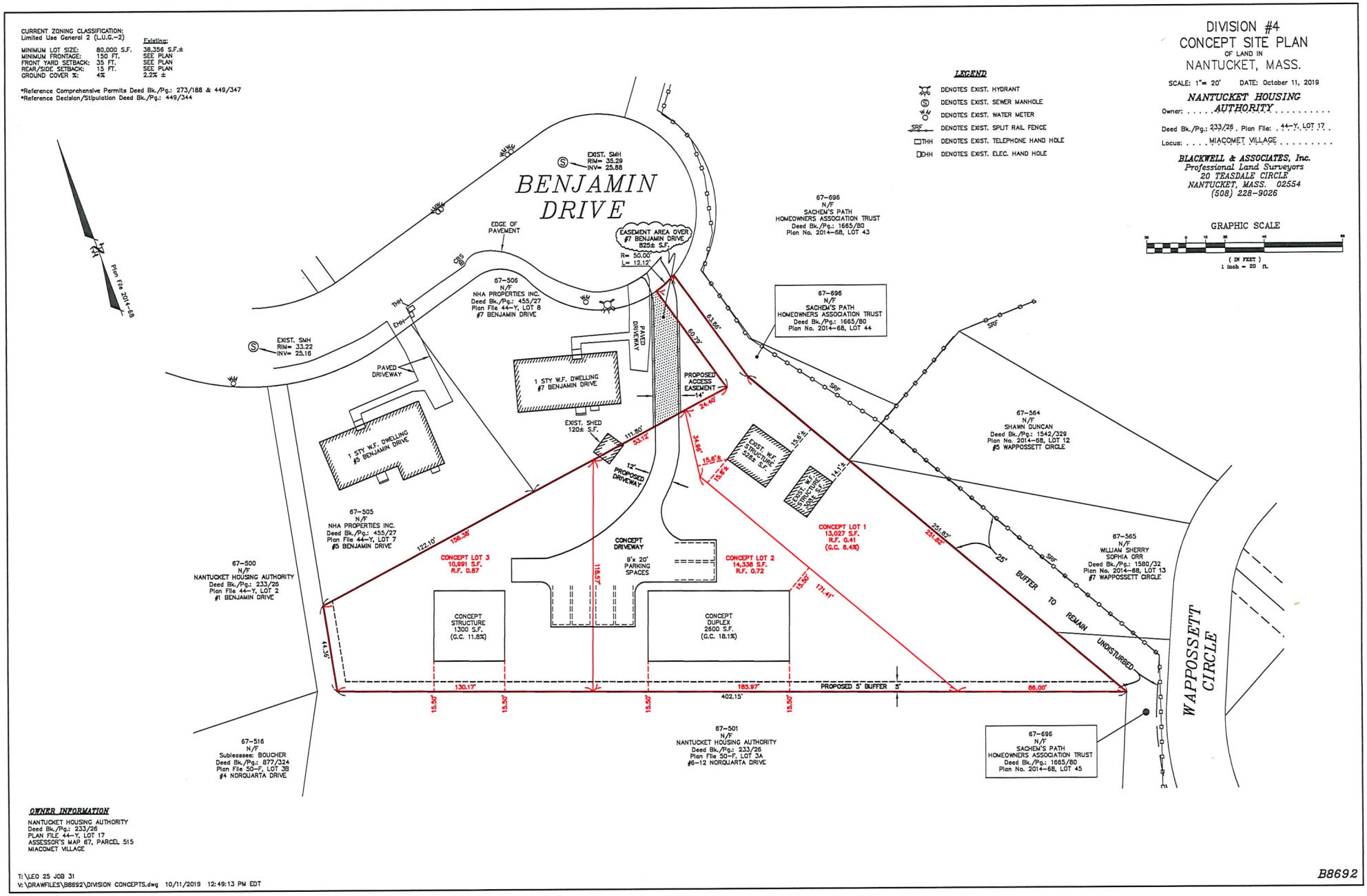
OWNER INFORMATION

NANTUCKET HOUSING AUTHORITY
Deed Bk./Pg.: 233/26
PLAN FILE 44–Y, LOT 17
ASSESSOR'S MAP 67, PARCEL 515
MIACOMET VILLAGE

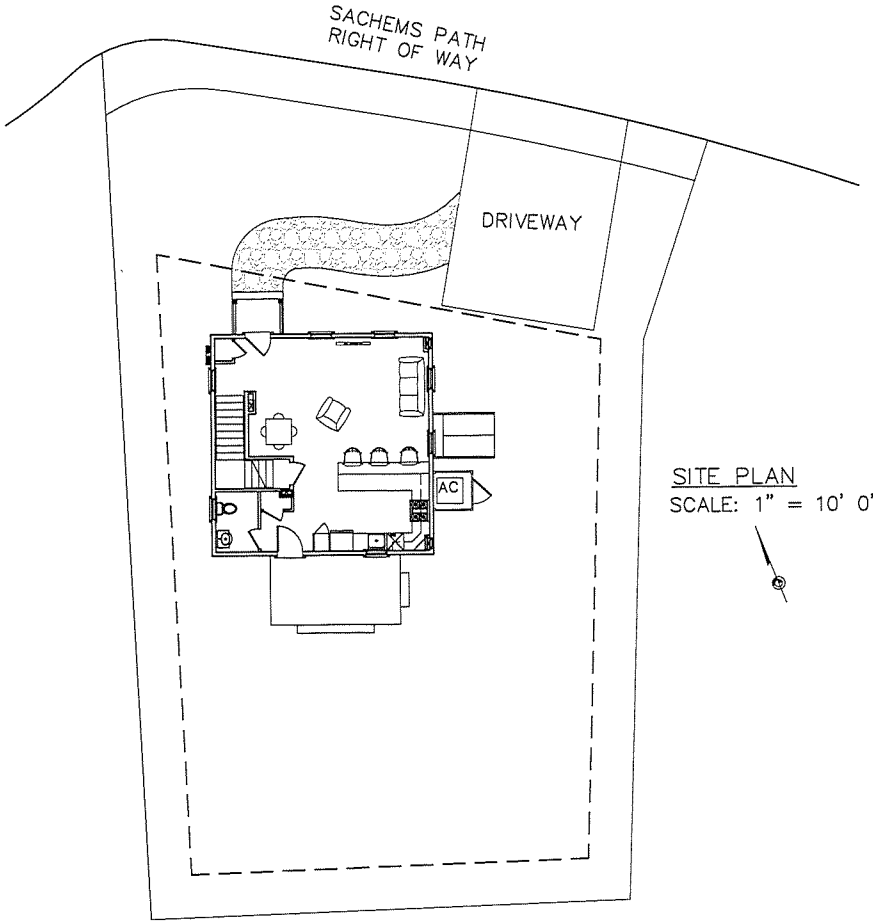
T:\LEO 25 JOB 31
V:\DRAWFILES\B8692\DIVISION CONCEPT 5.dwg 11/22/2019 4:42:14 PM EST

B8692

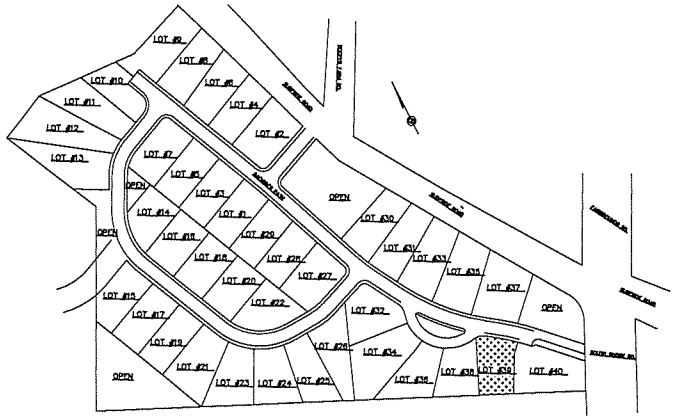

CURRENT ZONING CLASSIFICATION:
Limited Use General 2 (L.U.G.-2)
MINIMUM LOT SIZE: 80,000 S.F. Existing: 38,356 S.F.±
MINIMUM FRONTAGE: 150 FT. SEE PLAN
FRONT YARD SETBACK: 35 FT. SEE PLAN
REAR/SIDE SETBACK: 15 FT. SEE PLAN
GROUND COVER %: 4% 2.2% ±
*Reference Comprehensive Permits Deed Bk./Pg.: 273/188 & 449/347
*Reference Decision/Stipulation Deed Bk./Pg.: 449/344
DIVISION #1
CONCEPT SITE PLAN
OF LAND IN
NANTUCKET, MASS.
SCALE: 1"= 20' DATE: August 30, 2019
NANTUCKET HOUSING AUTHORITY
Owner: . . . . . .
Deed Bk./Pg.: 233/26 . Plan File: . 44-Y, LOT 17 .
Locus: . . . . MIACOMET VILLAGE . . . . . .
BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026
LEGEND
DENOTES EXIST. HYDRANT
DENOTES EXIST. SEWER MANHOLE
DENOTES EXIST. WATER METER
SRF DENOTES EXIST. SPLIT RAIL FENCE
THH DENOTES EXIST. TELEPHONE HAND HOLE
EHH DENOTES EXIST. ELEC. HAND HOLE
GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.
Plan File 2014-68
BENJAMIN DRIVE
EDGE OF PAVEMENT
EXIST. SMH
RIM= 35.29
INV= 25.88
EASEMENT AREA OVER #7 BENJAMIN DRIVE 825± S.F.
R= 50.00'
L= 12.12'
67-506
N/F
NHA PROPERTIES INC.
Deed Bk./Pg.: 455/27
Plan File 44-Y, LOT 8
#7 BENJAMIN DRIVE
67-696
N/F
SACHEM'S PATH
HOMEOWNERS ASSOCIATION TRUST
Deed Bk./Pg.: 1665/80
Plan No. 2014-68, LOT 43
67-696
N/F
SACHEM'S PATH
HOMEOWNERS ASSOCIATION TRUST
Deed Bk./Pg.: 1665/80
Plan No. 2014-68, LOT 44
EXIST. SMH
RIM= 33.22
INV= 25.16
PAVED DRIVEWAY
1 STY W.F. DWELLING
#7 BENJAMIN DRIVE
PROPOSED ACCESS EASEMENT 14'
PROPOSED SPLIT RAIL FENCE
EXIST. SHED
120± S.F.
1 STY W.F. DWELLING
#5 BENJAMIN DRIVE
12' PROPOSED DRIVEWAY
67-564
N/F
SHAWN DUNCAN
Deed Bk./Pg.: 1542/329
Plan No. 2014-68, LOT 12
#5 WAPPOSSETT CIRCLE
EXIST. W.F. STRUCTURE 526± S.F.
EXIST. W.F. STRUCTURE 384± S.F.
67-505
N/F
NHA PROPERTIES INC.
Deed Bk./Pg.: 455/27
Plan File 44-Y, LOT 7
#5 BENJAMIN DRIVE
67-500
N/F
NANTUCKET HOUSING AUTHORITY
Deed Bk./Pg.: 233/25
Plan File 44-Y, LOT 2
#1 BENJAMIN DRIVE
CONCEPT LOT 3
10,991 S.F.
F.F. 0.87
CONCEPT LOT 2
14,336 S.F.
F.F. 0.72
CONCEPT LOT 1
13,027 S.F.
F.F. 0.41
(G.C. 8.4%)
CONCEPT DRIVEWAY
CONCEPT STRUCTURE
1300 S.F.
(G.C. 11.8%)
CONCEPT STRUCTURE
1300 S.F.
(G.C. 9.1%)
9'x 20' PARKING SPACES
67-565
N/F
WILLIAM SHERRY
SOPHIA ORR
Deed Bk./Pg.: 1580/32
Plan No. 2014-68, LOT 13
#7 WAPPOSSETT CIRCLE
25' BUFFER TO REMAIN UNDISTURBED
WAPPOSSETT CIRCLE
67-516
N/F
Subleassee: BOUCHER
Deed Bk./Pg.: 877/324
Plan File 50-F, LOT 3B
#4 NORQUARTA DRIVE
67-501
N/F
NANTUCKET HOUSING AUTHORITY
Deed Bk./Pg.: 233/26
Plan File 50-F, LOT 3A
#6-12 NORQUARTA DRIVE
67-696
N/F
SACHEM'S PATH
HOMEOWNERS ASSOCIATION TRUST
Deed Bk./Pg.: 1665/80
Plan No. 2014-68, LOT 45
OWNER INFORMATION
NANTUCKET HOUSING AUTHORITY
Deed Bk./Pg.: 233/26
PLAN FILE 44-Y, LOT 17
ASSESSOR'S MAP 67, PARCEL 515
MIACOMET VILLAGE
T:\LEO 25 JOB 31
V:\DRAWFILES\B8692\DIVISION CONCEPTS.dwg 8/30/2019 2:44:31 PM EDT
B8692


CURRENT ZONING CLASSIFICATION:
Limited Use General 2 (L.U.G.-2)
Existing:
MINIMUM LOT SIZE: 80,000 S.F. 38,356 S.F.±
MINIMUM FRONTAGE: 150 FT. SEE PLAN
FRONT YARD SETBACK: 35 FT. SEE PLAN
REAR/SIDE SETBACK: 15 FT. SEE PLAN
GROUND COVER %: 4% 2.2% ±
*Reference Comprehensive Permits Deed Bk./Pg.: 273/188 & 449/347
*Reference Decision/Stipulation Deed Bk./Pg.: 449/344
DIVISION #4
CONCEPT SITE PLAN
OF LAND IN
NANTUCKET, MASS.
SCALE: 1"= 20' DATE: October 11, 2019
NANTUCKET HOUSING AUTHORITY
Owner: . . . . . AUTHORITY . . . . . .
Deed Bk./Pg.: 233/26 . Plan File: . 44-Y, LOT 17 .
Locus: . . . . MIACOMET VILLAGE . . . . . .
BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026
LEGEND
DENOTES EXIST. HYDRANT
DENOTES EXIST. SEWER MANHOLE
DENOTES EXIST. WATER METER
DENOTES EXIST. SPLIT RAIL FENCE
DENOTES EXIST. TELEPHONE HAND HOLE
DENOTES EXIST. ELEC. HAND HOLE
GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.
BENJAMIN DRIVE
EXIST. SMH
RIM= 35.29
INV= 25.88
EDGE OF PAVEMENT
EASEMENT AREA OVER #7 BENJAMIN DRIVE 825± S.F.
R= 50.00
L= 12.12'
67-696
N/F
SACHEM'S PATH
HOMEOWNERS ASSOCIATION TRUST
Deed Bk./Pg.: 1665/80
Plan No. 2014-68, LOT 43
67-696
N/F
SACHEM'S PATH
HOMEOWNERS ASSOCIATION TRUST
Deed Bk./Pg.: 1665/80
Plan No. 2014-68, LOT 44
67-506
N/F
NHA PROPERTIES INC.
Deed Bk./Pg.: 455/27
Plan File 44-Y, LOT 8
#7 BENJAMIN DRIVE
Plan File 2014-68
EXIST. SMH
RIM= 33.22
INV= 25.16
PAVED DRIVEWAY
1 STY W.F. DWELLING
#7 BENJAMIN DRIVE
PROPOSED ACCESS EASEMENT 14'
EXIST. SHED
120± S.F.
1 STY W.F. DWELLING
#5 BENJAMIN DRIVE
12' PROPOSED DRIVEWAY
67-564
N/F
SHAWN DUNCAN
Deed Bk./Pg.: 1542/329
Plan No. 2014-68, LOT 12
#5 WAPPOSSETT CIRCLE
EXIST. W.F. STRUCTURE 328± S.F.
EXIST. W.F. STRUCTURE 1,200± S.F.
67-505
N/F
NHA PROPERTIES INC.
Deed Bk./Pg.: 455/27
Plan File 44-Y, LOT 7
#5 BENJAMIN DRIVE
CONCEPT DRIVEWAY
9'x 20' PARKING SPACES
CONCEPT LOT 1
13,027 S.F.
R.F. 0.41
(G.C. 8.4%)
CONCEPT LOT 3
10,991 S.F.
R.F. 0.87
CONCEPT LOT 2
14,338 S.F.
R.F. 0.72
67-565
N/F
WILLIAM SHERRY
SOPHIA ORR
Deed Bk./Pg.: 1580/32
Plan No. 2014-68, LOT 13
#7 WAPPOSSETT CIRCLE
67-500
N/F
NANTUCKET HOUSING AUTHORITY
Deed Bk./Pg.: 233/26
Plan File 44-Y, LOT 2
#1 BENJAMIN DRIVE
CONCEPT STRUCTURE
1300 S.F.
(G.C. 11.8%)
CONCEPT DUPLEX
2600 S.F.
(G.C. 18.1%)
25' BUFFER TO REMAIN UNDISTURBED
WAPPOSSETT CIRCLE
PROPOSED 5' BUFFER
130.17'
185.97'
88.00'
402.15'
67-516
N/F
Sublessee: BOUCHER
Deed Bk./Pg.: 877/324
Plan File 50-F, LOT 3B
#4 NORQUARTA DRIVE
67-501
N/F
NANTUCKET HOUSING AUTHORITY
Deed Bk./Pg.: 233/26
Plan File 50-F, LOT 3A
#6-12 NORQUARTA DRIVE
67-696
N/F
SACHEM'S PATH
HOMEOWNERS ASSOCIATION TRUST
Deed Bk./Pg.: 1665/80
Plan No. 2014-68, LOT 45
OWNER INFORMATION
NANTUCKET HOUSING AUTHORITY
Deed Bk./Pg.: 233/26
PLAN FILE 44-Y, LOT 17
ASSESSOR'S MAP 67, PARCEL 515
MIACOMET VILLAGE
T:\LEO 25 JOB 31
V:\DRAWFILES\B8692\DIVISION CONCEPTS.dwg 10/11/2019 12:49:13 PM EDT
B8692

PROPOSED HDC PLANS



SITE PLAN
SCALE: 1" = 10' 0"



PHASE 2

LOT # 39- HOUSE TYPE C

4 NANINA DR
NANTUCKET, MA 02554

ISSUED FOR HDC REVIEW 06-21-16

Architect:
RESCOM
Architectural, Inc.
119 Waterhouse Road, Suite F, Bourne, MA 02532
Ph: (508) 759-9828 Fax: (508) 759-9902

DESIGNER:
MILTON ROWLAND & ASSOCIATES
16 COMMERCIAL WHARF
NANTUCKET, MASSACHUSETTS
508.228.4644

LOT #39 - HOUSE TYPE C
4 NANINA DR
NANTUCKET, MASSACHUSETTS 02554

COVER SHEET

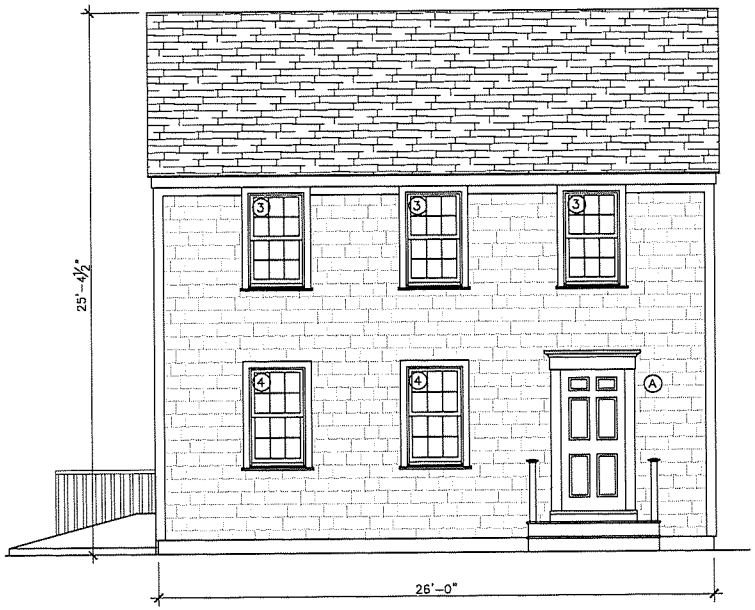
REVISIONS

NO.	DATE	DESCRIPTION

150114

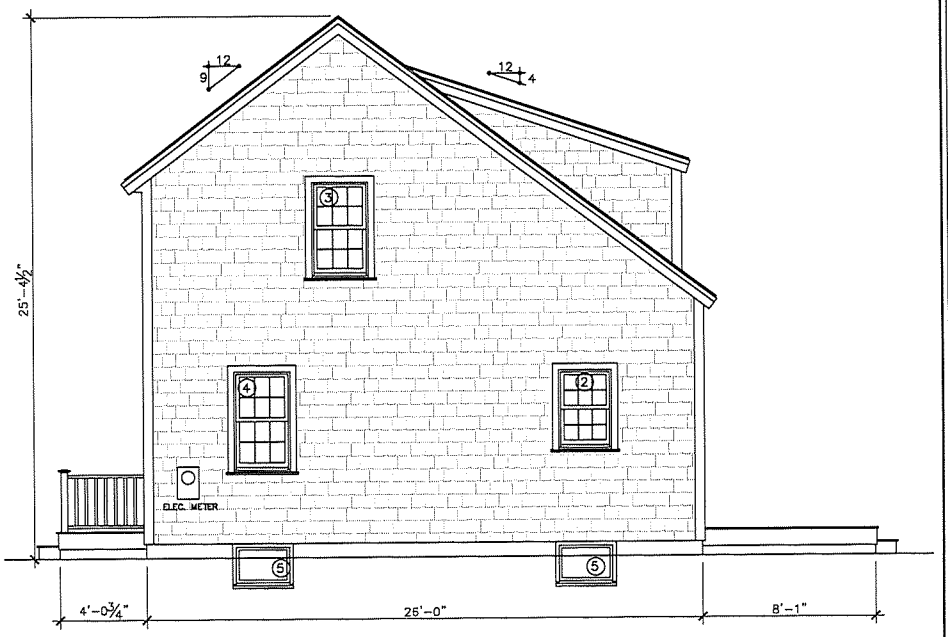
06-21-16

A39.0



NORTH ELEVATION

1/4" = 1'-0"



WEST ELEVATION

1/4" = 1'-0"

WINDOW SCHEDULE

NO.	TYPE	QUANTITY	ANDERSEN	TYPE	WINDOW DIMENSION	REMARKS
1	NOT USED					
2	DOUBLE HUNG	2	TW2432	6/6 DOUBLE HUNG	2'-5-5/8" x 3'-4-7/8"	
3		5	TW2642 **	6/6 DOUBLE HUNG	2'-7-5/8" x 4'-5-1/4"	
4		3	TW2648	6/6 DOUBLE HUNG	2'-7-5/8" x 4'-8-7/8"	
5	BASEMENT SASH	3	ANDERSON OR EQ.		1'-8" x 2'-0"	CENTER UNDER WINDOWS AS NOTED
6	DOUBLE HUNG	2	TW24310	6/6 DOUBLE HUNG	2'-5-5/8" x 4'-0-7/8"	

NOTES
ALL WINDOWS ARE TO COME WITH INSECT SCREENS
CONTRACTOR VERIFY FIT BEFORE ORDERING WINDOWS

** MEET OR EXCEEDS CLEAR OPENING OF 3.3 SQ. FT. FOR DOUBLE HUNG WINDOWS, NET CLEAR OPENING DIMENSIONS OF 20" BY 24" IN EITHER DIRECTION

EXTERIOR DOOR SCHEDULE

NO.	TYPE	QUANTITY	MANUF.	TYPE	DIMENSION	REMARKS
A	ENTRANCE DOOR	1	SIMPSON DOOR	1-3/4" FIR DOOR TO MEET HDC REQUIREMENTS	3'-0" X 6'-8"	5 LIGHT TRANSOM
B	REAR DOOR	1	THERMA-TRU	9-LIGHT INSULATED SMOOTH STAR FIBERGLASS DOOR	2'-8" X 6'-8"	K FACTOR = .35
C	BASEMENT	1		EXTERIOR GALVANIZED MIN. 16 GA DOOR, 14 GA FRAME	3'-0" X 6'-8"	INSULATED DOOR AND FRAME

Architect:
RESCOM
Architectural, Inc.
118 Waterhouse Road, Suite F, Bourne, MA 02532
Ph: (508) 759-9828 Fax: (508) 759-8902

DESIGNER:
MILTON POTTLAND & ASSOCIATES
15 CONWARD'S LANE
NANTUCKET, MASSACHUSETTS
508.228.1044

LOT #39 - HOUSE TYPE C
4 NANINA DR
NANTUCKET, MASSACHUSETTS 02554

ELEVATIONS

REVISIONS

NO.	DATE	DESCRIPTION

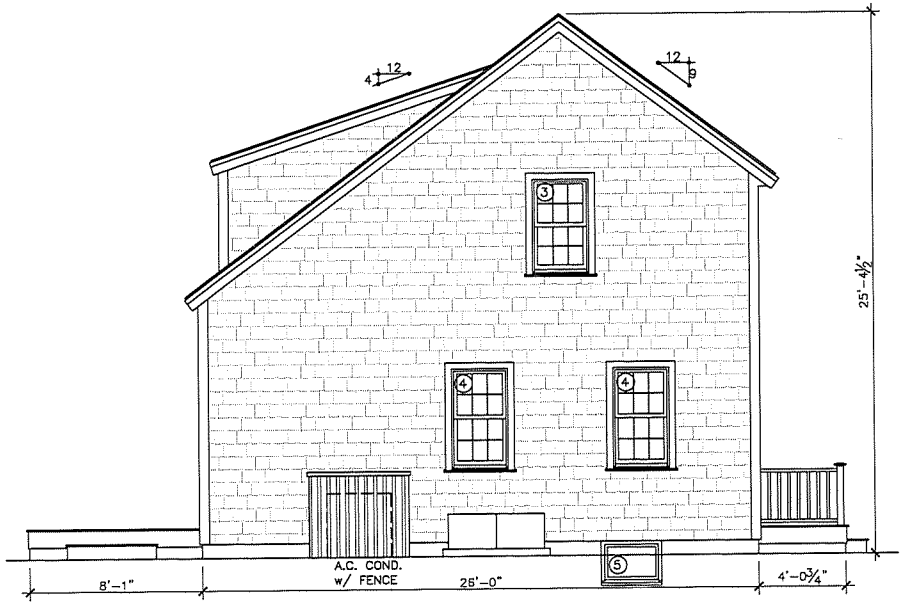
JOB NUMBER: 150114

DATE: 06-21-16

A39.1

SOUTH ELEVATION

1/4" = 1'-0"



EAST ELEVATION

1/4" = 1'-0"

Architect:
RESCOM
Architectural, Inc.
118 Waterhouse Road, Suite F, Bourne, MA 02532
Phone (508) 759-9828 Fax (508) 759-9502

DESIGNER:
MILTON HOWLAND & ASSOCIATES
15 CONNEMARA WAYS
HAMPTONSET, MASSACHUSETTS
508.560.2164

LOT #39 – HOUSE TYPE C
4 NANINA DR
NANTUCKET, MASSACHUSETTS 02554

ELEVATIONS

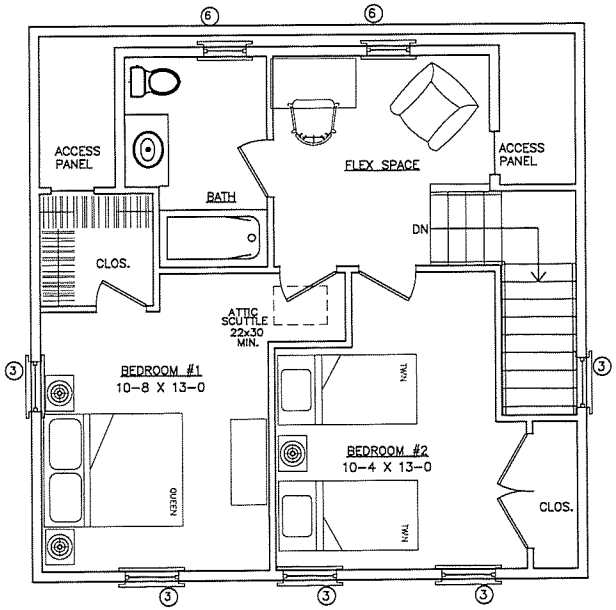
REVISIONS

NO.	DATE	DESCRIPTION

JOB NUMBER
150114

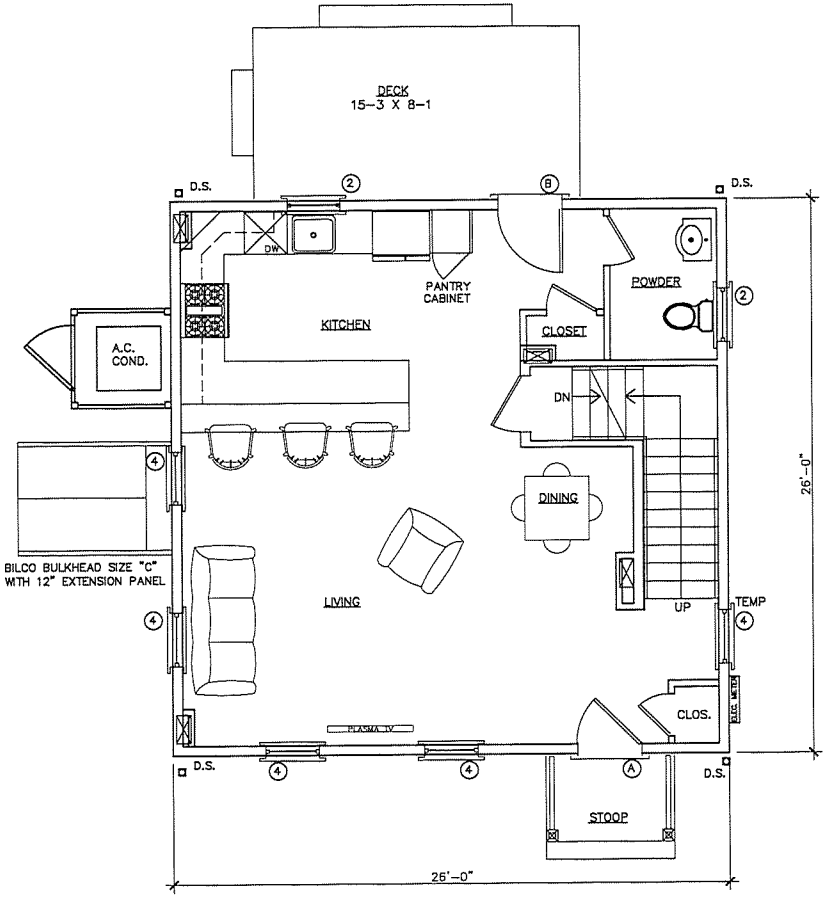
DATE
06-21-16

A39.2



SECOND FLOOR PLAN

1/4" = 1'-0"



FIRST FLOOR PLAN

1/4" = 1'-0"

Architect:
RESCOM
Architectural, Inc.
118 Waterhouse Road, Suite F, Bourne, MA 02532
Phn (508) 759-9828 Fax (508) 759-9502

DESIGNER:
MILTON RUPLAND & ASSOCIATES
18 COMMERCIAL WHARF
NANTUCKET, MASSACHUSETTS
508.228.2424

LOT #39 - HOUSE TYPE C
4 NANINA DR
NANTUCKET, MASSACHUSETTS 02554

FLOOR PLAN

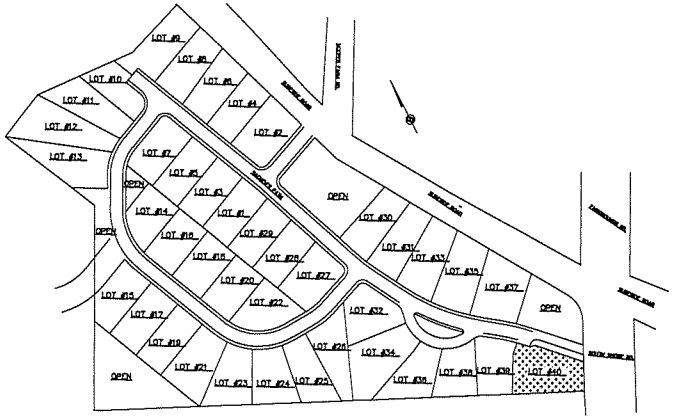
REVISIONS

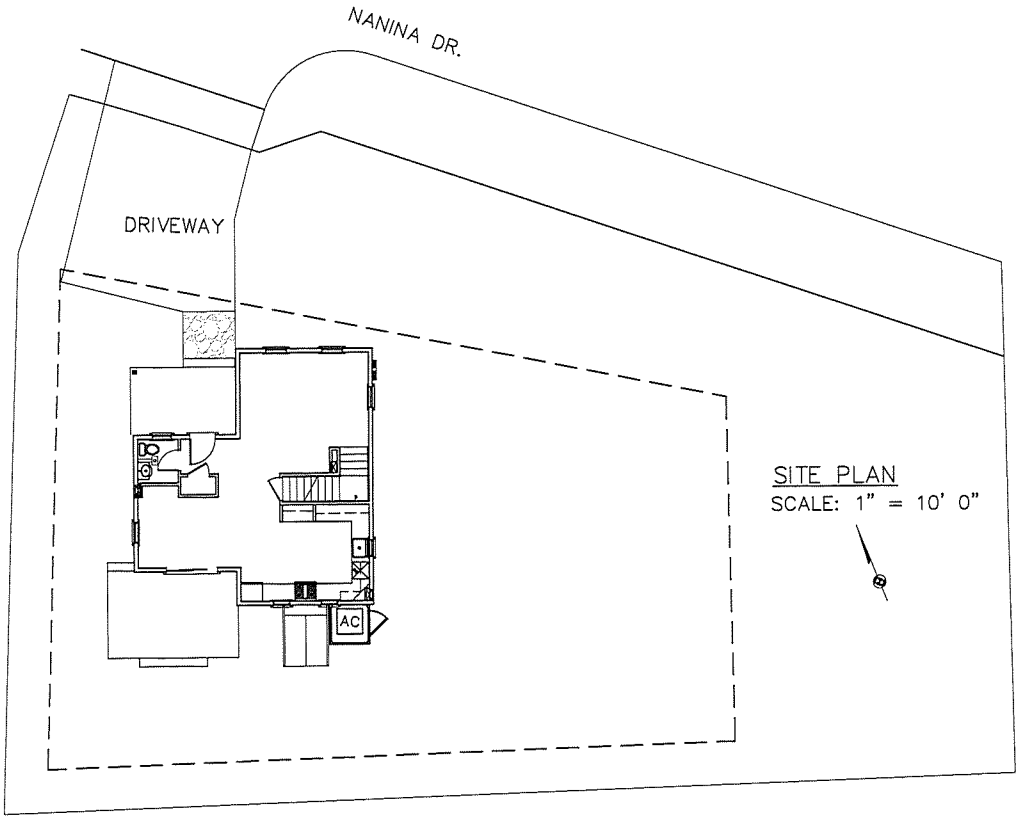
NO.	DATE	DESCRIPTION

JOB NUMBER: 150114

DATE: 06-21-16

A39.3





PHASE 2

LOT # 40- HOUSE TYPE H

2 NANINA DR
NANTUCKET, MA 02554

ISSUED FOR HDC REVIEW 06-21-16

Architect:
RESCOM
Architectural, Inc.
118 Waterhouse Road, Suite F, Bourne, MA 02532
Ph: (508) 759-9828 Fax: (508) 759-9802

DESIGNER:
MILTON ROWLAND & ASSOCIATES
10 CURRENCY LANE
NANTUCKET, MASSACHUSETTS
508.228.8049

LOT #40 – HOUSE TYPE H
2 NANINA DR
NANTUCKET, MASSACHUSETTS 02554

COVER SHEET

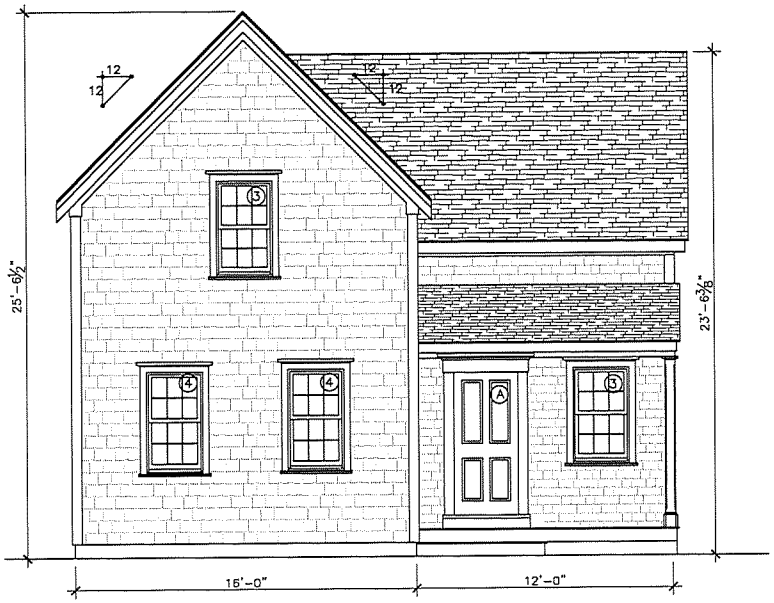
REVISIONS

NO.	DATE	DESCRIPTION

JOB NUMBER: 150114

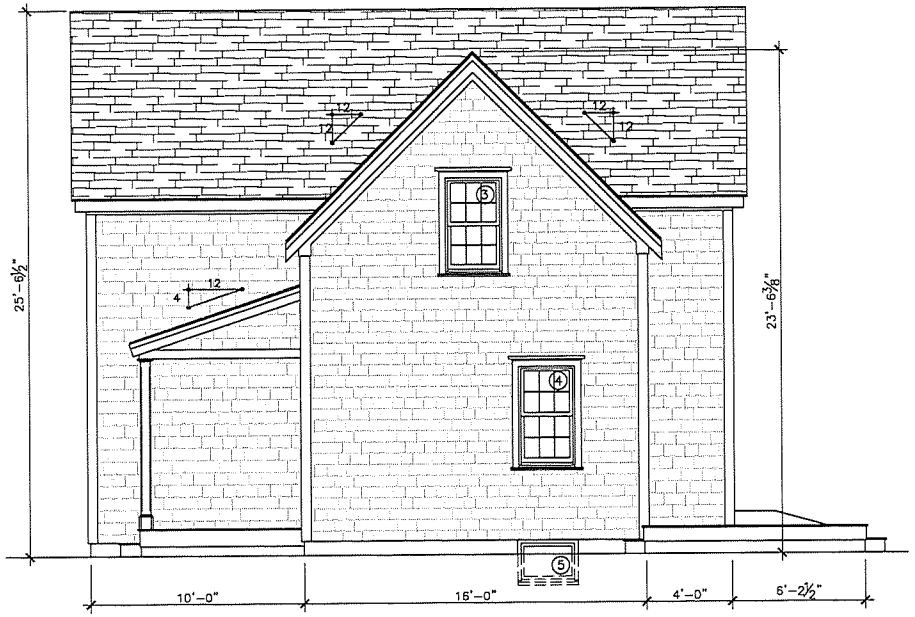
DATE: 06-21-16

A40.0



NORTH ELEVATION

1/4" = 1'-0"



WEST ELEVATION

1/4" = 1'-0"

WINDOW SCHEDULE

NO.	TYPE	QUANTITY	ANDERSEN	TYPE	WINDOW DIMENSION	REMARKS
1	NOT USED					
2	DOUBLE HUNG	8	TW2432	6/6 DOUBLE HUNG	2'-5-5/8" x 3'-4-7/8"	
3	↓	4	TW2642 **	6/6 DOUBLE HUNG	2'-7-5/8" x 4'-5-1/4"	
4	↓	4	TW2646	6/6 DOUBLE HUNG	2'-7-5/8" x 4'-8-7/8"	
5	BASEMENT SASH	3	ANDERSON OR EQ.		1'-8" x 2'-8"	CENTER UNDER WINDOWS AS NOTED

NOTES:
ALL WINDOWS ARE TO COME WITH INSECT SCREENS
CONTRACTOR VERIFY FIT BEFORE ORDERING WINDOWS

** MEET OR EXCEEDS CLEAR OPENING OF 3.3 SQ. FT. FOR DOUBLE HUNG WINDOWS, NET CLEAR OPENING DIMENSIONS OF 20" BY 24" IN EITHER DIRECTION

EXTERIOR DOOR SCHEDULE

NO.	TYPE	QUANTITY	MANUF.	TYPE	DIMENSION	REMARKS
A	ENTRANCE DOOR	1	SIMPSON DOOR	1-3/4" FIR DOOR TO MEET HUD REQUIREMENTS	3'-0" X 6'-8"	5 LIGHT TRANSOM
B	REAR DOOR	1	THERMA-TRU	9-LIGHT INSULATED SMOOTH STAR FIBERGLASS DOOR	2'-8" X 6'-8"	K FACTOR = .15
C	BASEMENT	1		EXTERIOR GALVANIZED MIN. 18 GA DOOR, 14 GA FRAME	3'-0" X 6'-8"	INSULATED DOOR AND FRAME

Architect:
RESCOM
Architectural, Inc.
118 Waterhouse Road, Suite F, Bourne, MA 02532
Ph: (508) 759-9828 Fax: (508) 759-9802

DESIGNER:
MILTON ROWLAND & ASSOCIATES
16 CROMWELL WHARF
NANTUCKET, MASSACHUSETTS
(508) 228-8184

LOT #40 - HOUSE TYPE H
2 NANINA DR
NANTUCKET, MASSACHUSETTS 02554

ELEVATIONS

REVISIONS

NO.	DATE	DESCRIPTION

JOB NUMBER: 150114

DATE: 06-21-16

A40.1

NORTH ELEVATION

1/4" = 1'-0"

EAST ELEVATION

1/4" = 1'-0"

Architect:
RESCOM
Architectural, Inc.
118 Waterhouse Road, Suite F, Bourne, MA 02532
Ph: (508) 759-8825 Fax: (508) 759-8602

DESIGNER:
MILTON ROWLAND & ASSOCIATES
16 COMMERCIAL WHARF
NANTUCKET, MASSACHUSETTS
508.228.2044

LOT #40 - HOUSE TYPE H
2 NANINA DR
NANTUCKET, MASSACHUSETTS 02554

ELEVATIONS

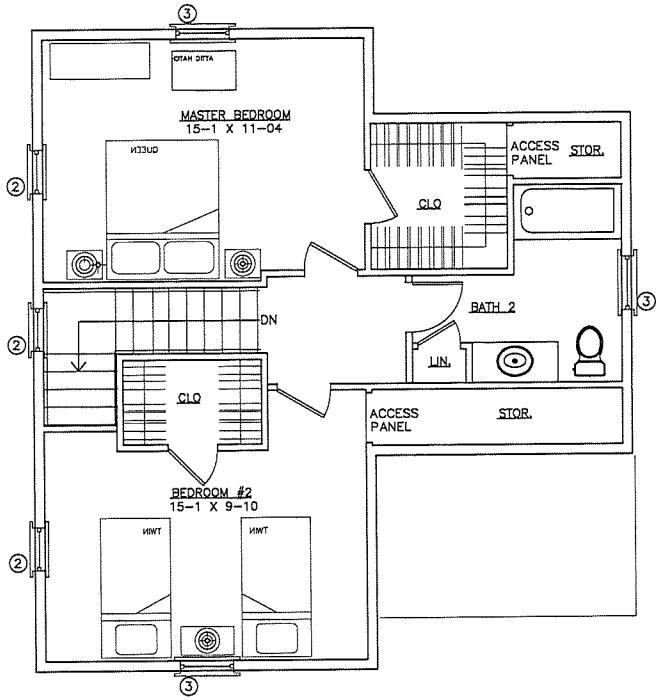
REVISIONS

NO.	DATE	DESCRIPTION

JOB NUMBER: 150114

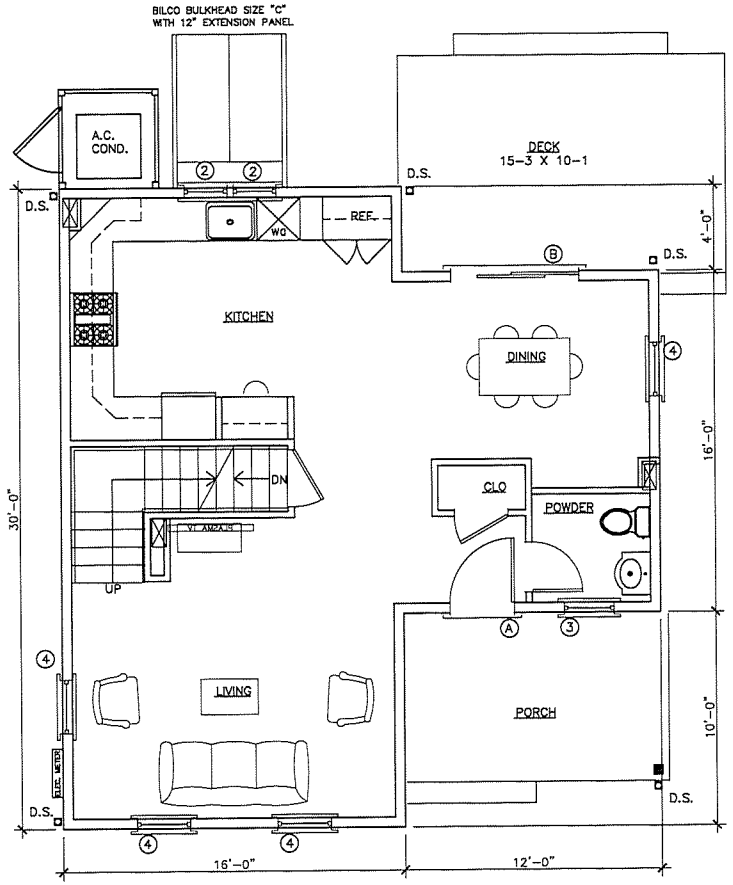
DATE: 06-21-16

A40.2



SECOND FLOOR PLAN

1/4" = 1'-0"



FIRST FLOOR PLAN

1/4" = 1'-0"

Architect:
RESCOM
Architectural, Inc.
119 Waterhouse Road, Suite F, Bourne, MA 02532
Ph: (508) 759-8828 Fax: (508) 759-8902

DESIGNER:
MILTON ROWLAND & ASSOCIATES
16 CONNEMARA LOOKOUT
NANTUCKET, MASSACHUSETTS
508.228.5044

LOT #40 - HOUSE TYPE H
2 NANINA DR
NANTUCKET, MASSACHUSETTS 02554

FLOOR PLANS

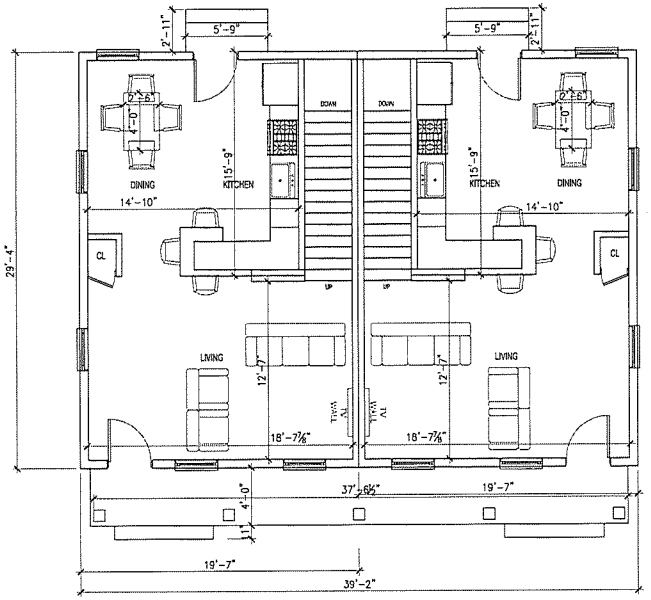
REVISIONS

NO.	DATE	DESCRIPTION

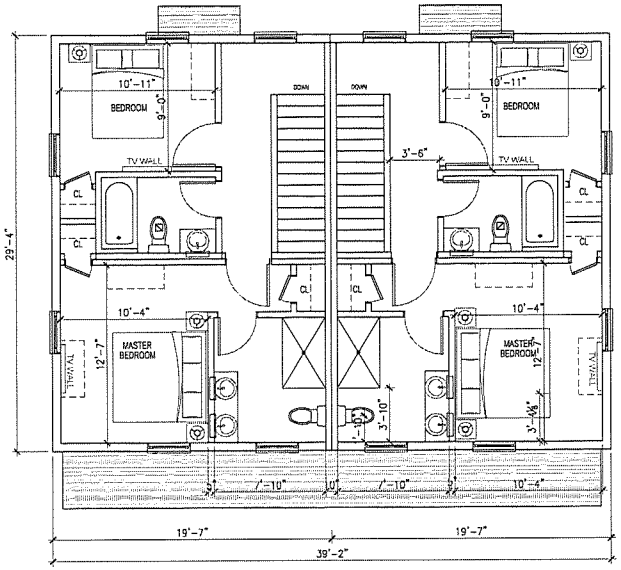
JOB NUMBER: 150114

DATE: 06-21-16

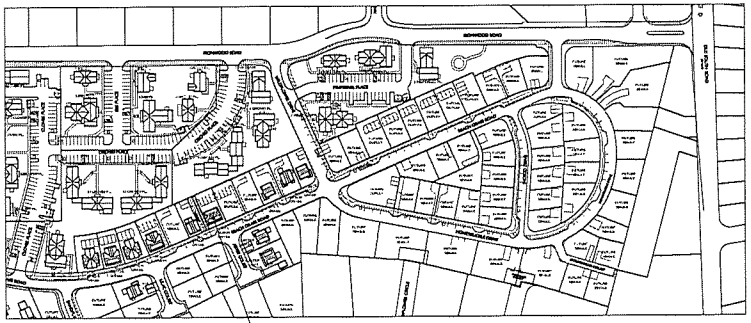
A40.3



1 1ST FLOOR PLAN (1,149 GROSS SF)
SCALE: 1/4"=1'-0"

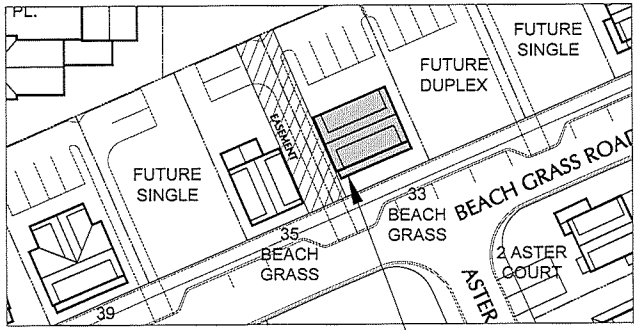


2 2ND FLOOR PLAN (1,149 GROSS SF)
SCALE: 1/4"=1'-0"



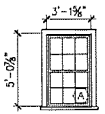
3 SITE PLAN
SCALE: NTS

"33 BEACH GRASS"

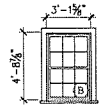


4 ENLARGED SITE PLAN
SCALE: NTS

"33 BEACH GRASS"

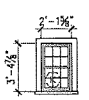


TAG LOCATION		ROUGH OPENING W.	H.	DESCRIPTION
A	1ST FLOOR	3'-1⅜"	5'-0⅛"	ANDERSEN 400 SERIES 6 OVER 6 DOUBLE-HUNG



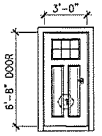
B	2ND FLOOR	3'-1⅜"	4'-8⅛"	ANDERSEN 400 SERIES 6 OVER 6 DOUBLE-HUNG

C	1ST FLOOR 2ND FLOOR	2'-5⅝"	3'-4½"	ANDERSEN 400 SERIES 6 OVER 6 DOUBLE-HUNG

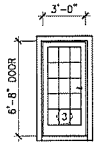


K	1ST FLOOR 2ND FLOOR	2'-1⅜"	3'-4½"	ANDERSEN 400 SERIES 6 OVER 6 DOUBLE-HUNG

5 WINDOW SCHEDULE
SCALE: 1/4"=1'-0"



TAG LOCATION		ROUGH OPENING W.	H.	DESCRIPTION
1	FRONT ENTRY	3'-0"	6'-8"	OUT-SWING ENTRY DOOR



TAG LOCATION		ROUGH OPENING W.	H.	DESCRIPTION
3	REAR ENTRY	3'-0"	6'-8"	ANDERSEN OUT-SWING EXIT DOOR

6 DOOR SCHEDULE
SCALE: 1/4"=1'-0"

OWNER :
Richmond Great Point Development, LLC

ARCHITECT OF RECORD:
KOH ARCHITECTURE PLLC
87-10 NORTHERN BLVD.
SUITE 204
JACKSON HEIGHTS, NY
(718) 225-6400 phone
Dinah Klamert, RA

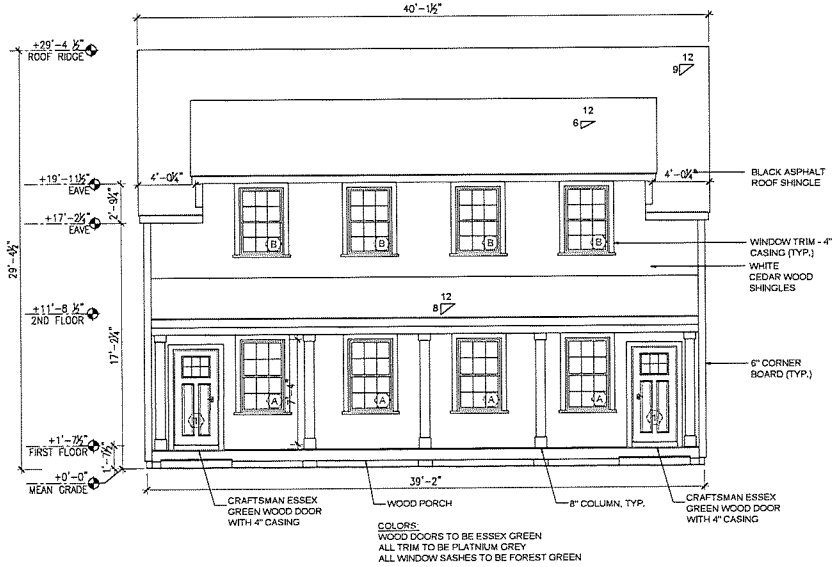
KOH ARCHITECTURE PLLC EXPRESSLY RESERVES ITS COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS TO THESE PLANS. ALL DESIGNS, SPECIFICATIONS AND DRAWINGS ARE THE PROPERTY OF KOH ARCHITECTURE PLLC WHICH ARE TO BE USED ONLY AS ISSUED FOR THIS PROJECT. THEY SHALL NOT BE USED ON ANY OTHER PROJECT IN FULL OR IN PART, WITHOUT FIRST OBTAINING THE EXPRESSED WRITTEN APPROVAL AND CONSENT OF KOH ARCHITECTURE PLLC. THESE DOCUMENTS SHALL NOT BE TRANSFERRED TO ANY UNAUTHORIZED THIRD PARTY WITHOUT THE SAME CONSENT.

PROJECT NAME
DUPLEX

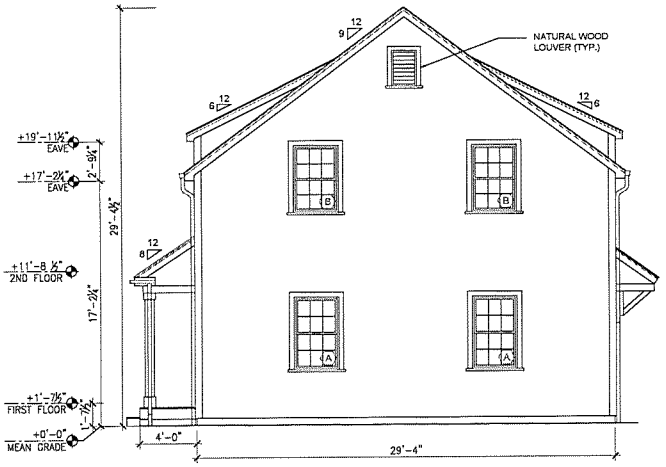
ADDRESS
MAP: 68
PARCEL: 371
33 BEACH GRASS ROAD
NANTUCKET, MA

DRAWING TITLE
FLOOR PLANS & SITE PLAN

DRAWING NO.
A-1

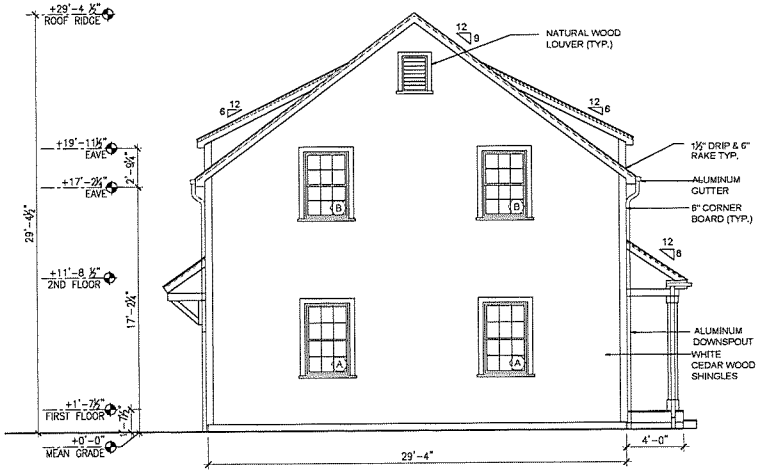


1 EAST ELEVATION (FRONT)
SCALE: 1/4" = 1'-0



2 NORTH ELEVATION (SIDE)
SCALE: 1/4" = 1'-0

3 WEST ELEVATION (BACK)
SCALE: 1/4" = 1'-0



4 SOUTH ELEVATION (SIDE)
SCALE: 1/4" = 1'-0

OWNER :
Richmond Great Point Development, LLC

ARCHITECT OF RECORD:
KOH ARCHITECTURE PLLC
87-10 NORTHERN BLVD, SUITE 204
JACKSON HEIGHTS, NY
(718) 225-6400 phone
Dinon Klament, RA

KOH ARCHITECTURE PLLC EXPRESSLY RESERVES ITS COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS TO THESE PLANS. ALL DESIGNS, SPECIFICATIONS AND DRAWINGS ARE THE PROPERTY OF KOH ARCHITECTURE PLLC WHICH ARE TO BE USED ONLY AS STATED FOR THIS PROJECT. THEY SHALL NOT BE USED ON ANY OTHER PROJECT IN FULL OR IN PART, WITHOUT FIRST OBTAINING THE EXPRESSED WRITTEN APPROVAL AND CONSENT OF KOH ARCHITECTURE PLLC. THESE DOCUMENTS SHALL NOT BE TRANSFERRED TO ANY UNAUTHORIZED THIRD PARTY WITHOUT THE SAME CONSENT.

PROJECT NAME
DUPLEX

ADDRESS
MAP: 68
PARCEL: 371
33 BEACH GRASS ROAD
NANTUCKET, MA

DRAWING TITLE
ELEVATIONS

DRAWING NO.
A-2

PROPOSED EASEMENTS

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

COMMON DRIVEWAY, ACCESS, AND UTILITY EASEMENT AND AGREEMENT

AGREEMENT made this ___ day of _____, 2019 by and between Nantucket Housing Authority, a public body politic and corporate, pursuant to M.G.L. Chapter 121B of 3 Manta Drive, Nantucket, MA 02554 (hereinafter "*Housing Authority*"), being the owner of land shown as Lot _____ on Plan filed with Nantucket Registry of Deeds as Plan No. _____, by virtue of a deed recorded in Book 233, Page 26 at the Nantucket Registry of Deeds and Habitat for Humanity Nantucket, Inc. c/o Swain's Travel, 35 Old South Road, Nantucket, MA 02554, (hereinafter "*Habitat*"), being the owners of Lots _____ on Plan filed with Nantucket Registry of Deeds as Plan No. _____ by virtue of Deed recorded in Book _____, Page _____ at said Registry.

WHEREAS the parties own adjacent properties and access to Habitat's property will cross over the Housing Authority land and ;

WHEREAS, the utilities serving the Habitat lots will cross over the NHA lot in a location shown as " _____" on the attached Exhibit A; and,

WHEREAS Housing Authority wishes to grant Habitat and to their successors and assigns with Quitclaim Covenants the perpetual right and easement to a driveway and access as shown on the attached Exhibit A.

NOW THEREFORE in consideration of the mutual covenants herein contained, it is agreed as follows:

1. Housing Authority wishes to grant Habitat a _____ foot driveway and access easement as shown on the Exhibit "A".

2. NHA wishes to grant Habitat a _____ foot utility easement as shown on the attached Exhibit A.

3. The driveway, as shown on the attached plan shall be solely maintained and utilized by Habitat and its successors, heirs, and assigns;

4. Habitat shall have the right to use such driveway for all purposes for which driveways are customarily used in the Town and County of Nantucket, but shall not include the right to park in the easement area.

5. Housing Authority shall allow Habitat to enter upon the property at reasonable times, to perform any and all work in a workmanlike manner and to maintain use of said easement in a hazardless condition and to hold and save the other harmless and defend against and from any and all costs and claims arising out of each lot owner's respective use of the easement.

6. This agreement shall be recorded at the Nantucket Registry of deeds and, unless further modified by the Parties, shall be binding upon the Parties, their heirs, successors and assigns.

7. This easement shall run with the respective properties and be binding upon and inure to the benefit of the parties hereto together with their heirs, successors and assigns.

SIGNATURE PAGE TO FOLLOW

IN WITNESS WHEREOF the parties have hereunto set their hands and seals this _____ day of _____, 2019

Habitat for Humanity Nantucket, Inc.

_____
By: Gerry Keneally, President

_____
By: John Renwick MA, Treasurer

Nantucket Housing Authority

_____
By:

_____
By:

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On this ____ day of _____, 20_____, before me, the undersigned notary public, personally appeared _____, (a) personally known to me, or (b) ____ proved to me through satisfactory evidence of identification, which was _____ (type of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

_____
Official Signature and Seal of Notary Public
My commission expires:

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On this ____ day of _____, 20_____, before me, the undersigned notary public, personally appeared _____, (a) personally known to me, or (b) ____ proved to me through satisfactory evidence of identification, which was _____ (type of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

_____
Official Signature and Seal of Notary Public
My commission expires:

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

COMMON DRIVEWAY, ACCESS, AND UTILITY EASEMENT AND AGREEMENT

AGREEMENT made this ___ day of _____, 2019 by and between NHA Properties, Inc., a Massachusetts Corporation, Manta Drive, Nantucket, MA 02554 (hereinafter "*NHA*"), being the owner of land shown as Lot 8 on Plan File No. 44-Y, by virtue of a deed recorded in Book 455, Page 27 at the Nantucket Registry of Deeds and Habitat for Humanity Nantucket, Inc. c/o Swain's Travel, 35 Old South Road, Nantucket, MA 02554, (hereinafter "*Habitat*"), being the owners of Lots _____ on Plan filed with Nantucket Registry of Deeds as Plan No. _____ by virtue of Deed recorded in Book _____, Page _____ at said Registry.

WHEREAS the parties own adjacent properties and access to Habitat's property will cross over the NHA land; and,

WHEREAS, the utilities serving the Habitat lots will cross over the NHA lot in a location shown as " _____" on the attached Exhibit A; and,

WHEREAS NHA wishes to grant Habitat and to their successors and assigns with Quitclaim Covenants the perpetual right and easement to a driveway and access as shown on the attached Exhibit A, as well as the right to install, maintain, and replace underground sewer pipes, electric and cable wires, and water pipes within said easement area.

NOW THEREFORE in consideration of the mutual covenants herein contained, it is agreed as follows:

1. NHA wishes to grant Habitat a 14' exclusive driveway and access easement as shown on the Exhibit "A".

2. NHA wishes to grant Habitat a _____ foot utility easement as shown on the attached Exhibit A.

3. The driveway, as shown on the attached plan shall be solely maintained and utilized by Habitat and its successors, heirs, and assigns;

4. Habitat shall have the right to use such driveway for all purposes for which driveways are customarily used in the Town and County of Nantucket, but shall not include the right to park in the easement area.

5. NHA shall allow Habitat to enter upon the property at reasonable times, to perform any and all work in a workmanlike manner and to maintain use of said easements in a hazardless condition and to hold and save the other harmless and defend against and from any and all costs and claims arising out of each lot owner's respective use of the easement.

6. This agreement shall be recorded at the Nantucket Registry of deeds and, unless further modified by the Parties, shall be binding upon the Parties, their heirs, successors and assigns.

7. This easement shall run with the respective properties and be binding upon and inure to the benefit of the parties hereto together with their heirs, successors and assigns.

SIGNATURE PAGE TO FOLLOW

IN WITNESS WHEREOF the parties have hereunto set their hands and seals this _____ day of _____, 2019

Habitat for Humanity Nantucket, Inc.

_____
By: Gerry Keneally, President

_____
By: John Renwick MA, Treasurer

NHA Properties, Inc.

_____
By: Jennifer Cohen, President

_____
By: Paul Wolf, Jr., Treasurer

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On this ____ day of _____, 20_____, before me, the undersigned notary public, personally appeared _____, (a) personally known to me, or (b) ____ proved to me through satisfactory evidence of identification, which was _____ (type of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

_____
Official Signature and Seal of Notary Public
My commission expires:

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On this ____ day of _____, 20_____, before me, the undersigned notary public, personally appeared _____, (a) personally known to me, or (b) ____ proved to me through satisfactory evidence of identification, which was _____ (type of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

_____
Official Signature and Seal of Notary Public
My commission expires:

HABITAT'S MISSION STATEMENT

Who we are: Habitat for Humanity Nantucket, Inc. builds affordable homes on Nantucket for ownership, not rental. We serve the 50-80% of Average Median Income (AMI) segment. Since 2001, Habitat Nantucket has constructed eleven homes on Nantucket. All eleven properties are owned and occupied by their original owners.

What we do: Habitat Nantucket builds affordable homes for ownership, and through the process of ownership and associated family support programs, Habitat seeks to build self-esteem, pride and confidence of the Habitat family while involving the community-at-large. Habitat Nantucket helps lower-income families exit the cycle of poverty and dependency in two ways. First, by reducing their cost of housing by helping each family own their own home with a zero interest rate mortgage. Through the dynamic of homeownership, families are enabled – they are no longer simply the tenants, but have a stake in their home – providing them (and perhaps more importantly, the next generation) the opportunity to break out of the dependency on affordable housing. Second, by building on the pride of ownership and supporting each family's transition from rental to ownership. Nantucket's workforce is dependent on stable, year-round housing, and Habitat is working to relieve this problem, one family at a time.

Who we service: Habitat Nantucket is the only entity on Nantucket serving the 50-80% of Nantucket County Area Median Income (AMI). Our lotteries have consistently resulted in 20-25 applicants for each of our last three houses. Providing just one family with stable housing may not seem like much, but it provides stability for the children, active community members, and a stable year-round workforce.

Completed Homes:
Our first Habitat home, located at 4 Norquarta Drive, was completed in March 2004 for $85,000 with much donated labor and materials. Our second home is a duplex on 3 Saratoga Lane; each unit has three bedrooms and two baths. Two families moved into their new homes in January of 2007. The duplex cost $360,000 to complete. The higher cost was due to less donated labor and materials and a difficult site on which to build. Our 4th project at 46 Okorwaw is a LEEDS Silver certified, three-bedroom, two-bath home that was completed in November of 2010. The cost of the project was about $260,000. Our 5th Habitat home is located at 5 Pochick. This one-bedroom house was given to us by the Nantucket Land Bank. We moved it from Tennessee Ave. in Madaket and significantly modified it. This home cost $252,000 to move and renovate. Our 6th home was completed in November 2014 at 5A Pochick (about 143 Surfside Road, one block in). This 3 BR, 2 bath home cost about $335,000.Our first six homes have been built on Town of Nantucket land; the Nantucket Housing Authority provides a 99 year, $1/year lease; we, in turn, sub-lease the land to the homeowner. In August of 2016 we closed on our 7th house, a 3 bedroom 2 bath house, on a lot provided by the Selectmen at 20 Ticcoma Way; unlike previous Town provided lots this one will be owned, not leased. The mortgage on this home will be about $344,000. In February, 2017, we closed on our 8th house in Sachem's Path, which was developed by the Housing Assistance Corp. of Cape Cod in conjunction with the Nantucket Housing Authority. Habitat was allocated 3 lots in Sachem's Path for families whose incomes are 80% of median income or below. These Sachem'sPath lots will also be deeded to Habitat Nantucket. Our 7 Wampossett Circle, 2 BR home cost $310,000. Our 9th home, also located in Sachem's Path at #2 Nanina Drive, closed in May of 2018 with a 2 BR home and cost $307,000. In August of 2018, we closed our 10th house, also in Sachem's Path at #4 Nanina Drive. This 2 BR home cost $308,000. After Sachem's Path, we have returned to the Ticcoma Way area where we will build a house, again on Townland, on a road now under construction behind 20 Ticcoma Way at 3 Waitt Drive. The two-bedroom home is complete and we will be closing in the next few weeks.

Our Mission: Habitat Nantucket was founded in 2001. We build hope for families, our community, and future generations. In creative partnership with people in need and the Nantucket community, we build and renovate homes for ownership. We make a positive difference in our world by creating opportunities for volunteers and family members to work together to secure our shared future.

Family Selection Process:
Steps in the homeowner selection process

1. Preparation for homeowner selection.
2. Outreach to potential homeowners.
3. Application processing.
4. Selecting the prospective homeowner.
5. Communicating the decision.
6. Pre-closing final underwriting process.
7. Loan closing.

Habitat begins its family selection process by advertising open application enrollment in the Inquirer and Mirror, as well as on social media and our website. Habitat reaches out to all interested candidates on our email list and waitlist from prior lotteries. After 60 days, application enrollment is closed. At this time, applications are screened. Habitat families chosen for homeownership must meet established standards to be included in the selection pool. Habitat owner candidates must have been living and working on-island for one year and have a level of income between 50% and 80% of the median income (AMI) for Nantucket County. We also perform background checks and a home site visit. The families must demonstrate a need for adequate housing. In this stage, Habitat also verifies income and the potential homeowners' ability to pay a Habitat zero-interest mortgage. Families must be willing to partner with Habitat Nantucket and each family must sign a contract committing them to 350 hours of "sweat equity" in the construction of their home, a process designed to assure they are truly invested in the project. All families that make it through the application and screening process are entered into the next round of the selection process: the lottery. This lottery takes place at a Habitat Board meeting where all names are entered into a hat and then selected randomly. The board members select three names, creating a waiting list if the selected homeowner cannot proceed. The chosen family is notified and begins contributing "sweat equity" to their home or other Habitat homes. The chosen family is required to pay off a non-interest bearing mortgage with a 30-year maturity, "banked" by Habitat, and to escrow monthly payments for insurance and taxes. When the home is subsequently sold, proceeds from the sale are used to retire the mortgage balance with Habitat, and the residual is paid to the Habitat homeowner, in effect returning the equity to the homeowner. Because the property is deed restricted, it can only be transferred to another 50%-80% AMI affordable housing qualified homeowner, thereby assuring that it will remain part of Nantucket's affordable housing stock in perpetuity.

SHI List Applications:
Our current family selection process, provided and vetted by Habitat International, does not align with the Department of Housing and Community Development's (DHCD) guidelines for Subsidized Housing Inventory (SHI) eligible units. Habitat Nantucket performed it's housing selection process and put two families on a waitlist in 2017. These families have been contributing to the construction of other Habitat homes since 2017 and have been brand ambassadors for Habitat Nantucket. We had hoped to build these two families their Habitat homes on Waitt Drive, but the Town has created a policy that only SHI-eligible units can be

provided with Townland. Habitat Nantucket quickly researched and engaged the staff at the DHCD to determine how Habitat could comply with their regulations. Habitat Nantucket spent 18 months applying and reapplying for SHI status on our 11 homes. Specifically, we aimed to get our 11th home at 3 Waitt Drive on the SHI list. There were three constraints in our application, and of those, two we could not address with the process Habitat took. First, our pricing model, based on Habitat International's standard, were priced higher than the DHCD model. We were able to adjust and will use a modified pricing model that keeps Habitat compliant with Habitat International and the DHCD. Second, we must advertise a new home for 60 days with a diverse marketing approach. In the process used for the family selection process for 3 Waitt Drive, we only advertised for 57 days. Third, DHCD requires an independent lottery. Habitat Nantucket historically used Habitat International's process of Board Members selecting the family.
We understand the process and holes in Habitat International's advertising and selection process. As we move forward, all homes will be SHI - eligible. Unfortunately, the two families we have already selected, and who have been on our waitlist since 2017, will not be SHI eligible because of two obstacles explained above. Once we build these remaining two homes on our waitlist, Habitat Nantucket is prepared to move forward with the DHCD's SHI-eligible recommendations and execute the marketing, family selection, and pricing model approved by DHCD.

PROPOSED HOMEOWNER'S ASSOCIATION AGREEMENT

Habitat Nantucket Homeowners Association
Benjamin Drive Subdivision

Summary of Rules and Restrictions for Homeowners

There are various restrictions upon the lots that will be owned by Habitat for Humanity Nantucket, Inc. and later transferred in fee simple to qualified Homeowners in the Habitat Benjamin Drive subdivision. Some of these rules stem from deed restrictions imposed by the Town of Nantucket, some from Habitat policies and some are intended to protect the rights of the homeowners to the quiet enjoyment of their property, as well as to preserve asset values. All these restrictions and rules are legally binding and will be enforced by the Habitat Homeowners (Benjamin Drive) Association. Agreeing to be bound by these Homeowner's Association rules is a requirement of any family selected as a Habitat homeowner. Each lot owned by Habitat in the Benjamin Drive subdivision will be subject to these rules and regulations.

These rules and restrictions are set forth in the Declaration of Protective Covenants, Easements and Rights of Way, dated _____, recorded with the Nantucket Registry of Deeds in ____. That document is referred to in this summary as the "Declaration" or "Dec". This is a summary of the major restrictions; the actual language of the Declaration sets forth the provisions in greater detail and should be relied upon by the members of the Habitat Homeowners Board in making any determination of the applicability of these rules and restrictions to any specific facts.

1) Parking: parking areas for the homes on lots 2 and 4 are their own parking spaces. Parking for the duplex (lot 3) will be shared with an easement. There shall be no on street parking except in marked parking areas. The shared driveway will be maintained by all the Homeowners and will be funded by their HOA dues.

a) Because of the arrangement of dwellings on the three Benjamin Drive lots, the Habitat homeowners of those lots will share the main driveway with access off Benjamin Drive and shall grant each other permanent easements to gain access to those parking spaces.

b) Each dwelling in the subdivision is entitled to two parking spaces.

2) Homeowner Fees and Assessments: Each owner must pay annual dues, as set from time to time by the Association Board. Failure to pay these charges will result in a lien against the homeowner's property.

a) Dues will be established by the Homeowner's Association Board. Dues statements will be issued annually . Checks should be made out to Habitat

Nantucket Homeowners Association (Benjamin Drive) and mailed to the address on the payment notice.

3) Trash: Trash must be kept on the Homeowner's property in a closed container that is not visible from the street. It is the responsibility of the Homeowner to insure that their trash is removed from their property in a timely manner.

4) Bicycles, grills, lawn furniture, personal property, recreational items, and toys shall be stored within a building, an enclosed yard or completely screened from the street. The structure and grounds of each lot shall be maintained in a neat and attractive condition.

5) No house trailers, portable houses, tents or boats shall be kept or stored in the open. No unregistered, uninsured or inoperable vehicles shall be allowed. Commercial vehicles, other than pickup trucks and passenger automobiles used in connection with a resident's business shall not be allowed.

6) No animal or pet shall be kept singularly or in such numbers as to create unreasonably loud noise or otherwise create a nuisance or be offensive to other residents. No pets shall be kept on any lot or in any exterior structure thereon except common domesticated animals.

7) No lot may be further subdivided, and no buildings or structures shall be placed on any lot other than a single family dwelling and accessory structures.

8) Other than the duplex, there shall be no multi-family use, congregate living, rentals or other use upon any lot. There will be no rentals allowed any of the 3 Habitat lots. Customary home occupations are allowed, as per provisions of the Nantucket Zoning By-Laws, but no other commercial use.

9) Improvements No building or any other improvement, including driveways, walkways, fences, utility lines or grading changes may be placed or constructed on any lot without prior written approval of the Association Board and the Historic District Commission. Any Homeowner wishing to add a structure or modify a home must submit a detailed description to the Association Board for their approval. Any approved modification must also be properly permitted. No sheds shall be located in the front yard of any lot. No excavation shall be made on any lot except for Association Boards approved structures or improvements.

10) Any additions or removals of trees or common landscaping (excluding foundation plantings) shall require the approval of the Association Board. The plants and trees that comprise the buffer zone on the edge of the lots must not be disturbed without permission from the Association Board.

11) No antennas or satellite dishes greater than 24 inches shall be allowed. Homeowners shall make every effort tomount these items towards the rear of the dwelling and not visible from the street.

12) Any exterior lighting shall be limited in application andtimes of illumination, so as not to disturb residents of other houses in or abutting the Benjamin Drive

subdivision. Any changes to exterior lighting fixtures installed during the original construction of the homes must be approved by the Association Board.
13) Fines. Fines for violation of the covenants, conditions and restrictions of Homeowner's Association are as follows:
a) First violation: a written warning letter to the Owner.
b) Second violation: a violation notice sent to the Owner and a fine of $100.00.
c) Third violation: a violation notice and a fine of $500.00.
d) Subsequent violations: the violator will be referred to the Board for further sanction, which may include a doubling of fines, as the Board may deem appropriate.
e) After failure to pay a fine within 30 days, the debt will accrue interest at a rate of 1.5% monthly (18% annually) on the unpaid balance. After 12 months the fine will double and a lien will be placed on the Owner's home.
14) Any sale or transfer of title of a home must be approved by the Association Board. Habitat Nantucket is granted the right of first refusal of any Association home that is for sale.
15) The hours permitted for contractors to work on the Association homes or properties are as follows: Weekdays: 7:30 AM – 6:00 PM
Saturdays: 8:30 AM – 1:00 PM
Homeowners will be fined for their contractors violation of these hours.
16) The Board of Habitat for Humanity Nantucket, Inc. will act as the Association Board until 50% of the homes of the Benjamin Drive subdivision are occupied. At that point, the Association Board will be made up of the majority of the residents with three seats reserved for representatives of Habitat Nantucket. Habitat will initially fund the HOA with $500 per home

Zoning Board of Appeals
DEC 09 2019
RECEIVED

Benjamin Drive HOA: updated 12/6/19

Habitat Nantucket Homeowners Association
Benjamin Drive Subdivision

Summary of Rules and Restrictions for Homeowners

There are various restrictions upon all the lots in the Habitat Benjamin Drive subdivision. Some of these rules stem from deed restrictions imposed by the Town of Nantucket, some from Habitat policies and some are intended to protect the rights of the homeowners to the quiet enjoyment of their property, as well as to preserve asset values. All these restrictions and rules are legally binding and will be enforced by the Habitat Homeowners (Benjamin Drive) Association. Agreeing to be bound by these Homeowner's Association rules is a requirement of any family selected as a Habitat homeowner.

These rules and restrictions are set forth in the Declaration of Protective Covenants, Easements and Rights of Way, dated _____, recorded with the Nantucket Registry of Deeds in _____. That document is referred to in this summary as the "Declaration" or "Dec". This is a summary of the major restrictions; the actual language of the Declaration sets forth the provisions in greater detail and should be relied upon by the members of the Habitat Homeowners Board in making any determination of the applicability of these rules and restrictions to any specific facts.

1. Parking:
    a. The parking for the single-family home on Lot 3 will have its own 3 parking spaces. Parking for the duplex on Lot 2 will be shared by the 2 homeowners with an easement. There shall be no on street parking on Benjamin Drive or on the shared driveway. The shared driveway will be maintained by the Homeowners' Association funded by the homeowners' HOA dues.
    b. Because of the arrangement of dwellings on the two Benjamin Drive lots, the Habitat homeowners that share parking spaces shall grant each other permanent easements to gain access to those spaces.
    c. Each dwelling in the subdivision is entitled to three parking spaces. Two spaces for each owner's cars and one guest parking spot. Homeowners are limited to owning 2 vehicles.

d. Homeowners shall not store personal property on sidewalks, driveway, parking areas, or other places that obstruct access to the dwellings within the subdivision.

2. Homeowner Fees and Assessments:
    a. Each owner must pay annual dues, as set from time to time by the Association Board. Failure to pay these charges will result in a lien against the homeowner's property.
    a) Dues will be established by the Homeowner's Association Board. Dues statements will be issued annually. Checks should be made out to Habitat Nantucket Homeowners Association (Benjamin Drive) and mailed to the address on the payment notice.
    b) Any fines or special assessments, as imposed by the Homeowner's Association Board shall be paid promptly.

3. Trash:
    a. Trash must be kept on the Homeowner's property in containers not visible from the street. All rubbish shall be deposited in secure, clear plastic bags in proper containers in a manner which will not attract rodents or insects or cause offensive odors.
    b. It is the responsibility of the Homeowner to ensure that their trash is removed from their property on a weekly basis.
    c. If there is a common dumpster made available to the Benjamin Drive subdivision, the HOA fees will pay the monthly dumpster fees.

4. Personal Property: Bicycles, grills, lawn furniture, personal property, recreational items, and toys shall be stored within a building, an enclosed yard or completely screened from the street. The structure and grounds of each lot shall be maintained in a clean, neat and sanitary condition. Homeowners are strictly prohibited from installing or using trampolines, or other potentially dangerous play equipment. Should the Homeowner not maintain the property as herein required, the Association Board may use its discretion to carry out such maintenance at the Homeowner's expense.

5. Homeowners shall be responsible for clearing snow from walks that service the unit in which they reside.

6. No house trailers, portable houses, tents or boats shall be kept or stored in the open. No unregistered, uninsured or inoperable vehicles shall be allowed.

Commercial Vehicles, other than pickup trucks and passenger automobiles used in connection with a resident's business shall not be allowed.

7. No animal or pet shall be kept singularly or in such numbers as to create unreasonably loud noise or otherwise create a nuisance or be offensive to other residents. No pets shall be kept on any lot or in any exterior structure thereon except common domesticated animals.

8. Use of Property:
    a. No lot may be further subdivided, and no buildings or structures shall be placed on any lot other than a single-family dwelling and accessory structures. No scallop shanties will be allowed.
    b. Other than the duplex, there shall be no multi-family use, congregate living, rentals or other use upon any lot. Each Habitat Home can be occupied only by the family (the owner(s) and their children) that owns the home. There shall be no rental of any interior space to anyone and no commercial use of the property.
    c. Homeowner shall use premises solely as a private dwelling and not carry on any business, professional or commercial activity of any sort or nature on the premises, unless authorized by the Association Board and determined to be incidental to the primary use of the Premises. The Association Board may withdraw permission at any time if any of these conditions are violated.

9. Improvements:
    a. No building or any other improvement, including driveways, walkways, fences, utility lines or grading changes may be placed or constructed on any lot without prior written approval of the Association Board and the Historic District Commission. Any Homeowner wishing to add a structure or modify a home must submit a detailed description to the Association Board for their approval. Any approved modification must also be properly permitted.
    b. No sheds shall be located in the front yard of any lot. No excavation shall be made on any lot except for structures or improvements approved by the Association Board.

10. Landscaping: Any additions or removals of trees or common landscaping (excluding foundation plantings) shall require the approval of the Association Board. The plants and trees that comprise the buffer zone on the edge of the lots must not be disturbed without permission from the Association Board.

11. No antennas or satellite dishes greater than 24 inches shall be allowed. Homeowners shall make every effort to mount these items as unobtrusively as possible and not visible from the street.

12. Any exterior lighting shall be limited in application and times of illumination, so as not to disturb residents of other houses in or abutting the Benjamin Drive subdivision. Any changes to exterior lighting fixtures installed during the original construction of the homes must be approved by the Association Board.

13. Fines. Fines for violation of the covenants, conditions and restrictions of Homeowner's Association are as follows:
    a) First violation: a written warning letter to the Owner.
    b) Second violation: a violation notice sent to the Owner and a fine of $100.00.
    c) Third violation: a violation notice and a fine of $500.00.
    d) Subsequent violations: the violator will be referred to the Board for further sanction, which may include a doubling of fines, as the Board may deem appropriate.
    e) After failure to pay a fine within 30 days, the debt will accrue interest at a rate of 1.5% monthly (18% annually) on the unpaid balance. After 12 months the fine will double and a lien will be placed on the Owner's home.

14. Any sale or transfer of title of a home must be approved by the Association Board. Habitat Nantucket is granted the right of first refusal of any Association home that is for sale.

15. The hours permitted for contractors to work on the Association homes or properties are as follows:
    a. Weekdays: 7:30 AM – 6:00 PM
    b. Saturdays: 8:30 AM – 1:00 PM
    c. Homeowners will be fined for their contractors' violation of these hours.

16. The Board of Habitat for Humanity Nantucket, Inc. will act as the Association Board until 50% of the homes of the Benjamin Drive subdivision are occupied. At that point, the Association Board will be made up of a total of eight seats: three seats for resident homeowners (one seat for each home), three seats reserved for representatives of Habitat Nantucket, one seat for a representative from the Nantucket Housing Authority and one seat for a representative from Housing Nantucket.

PROPOSED TIMELINE

Proposed Timeline for Construction on Lot 7, off Benjamin Drive

1. Clear lot, leaving buffer zone where indicated
2. Install infrastructure: sewer water and power for both dwellings
3. Install temporary driveway and parking area for both dwellings
4. Excavate foundation for single dwelling
5. Frame and complete a weather-tight shell

Once weathertight shell for the single dwelling has been accomplished, interior work will commence: rough wiring and rough plumbing, HVAC, then insulation. Next, final finishes will start: sheetrock, flooring, trim, interior doors, finish stairs, cabinets, vanities and final interior paint.

As soon as the weathertight shell for the first dwelling is complete, work will start on the duplex.

1. Excavate foundation for duplex dwelling
2. Frame and complete a weather-tight shell (either stick-built on site, or as a modular)

Once weathertight shell for the duplex dwelling has been accomplished, interior work will commence if stick built: rough wiring and rough plumbing, HVAC, then insulation. Next, final finishes will start: sheetrock, flooring, trim, interior doors, finish stairs, cabinets, vanities and final interior paint. If a modular, final finishes to the structure, as necessary, to complete.

To complete the project:

1. Move the shed as requested by Nantucket Housing Authority
2. Install split rail fencing along the perimeter as requested by Nantucket Housing Authority
3. Landscape both dwellings
4. Bring temporary driveway and parking areas to finished condition

PREVIOUS DECISIONS

BOOK 273 PAGE 188

THE COMMONWEALTH OF MASSACHUSETTS

Nantucket
City or Town

BOARD OF APPEALS

Date: April 7, 19 86

Certificate of Granting of Comprehensive Permit
(General Laws Chapter 40 B, Section 21)

The Board of appeals of the City or Town of Nantucket
hereby certifies that a Comprehensive Permit has been granted

To Nantucket Housing Authority (025-86)

Address c/o Julie FItzgerald, 35 Centre Street

City or Town Nantucket

affecting the rights of the owner with respect to land or buildings Off Miacomet Road and Surfside Road, Assessor's Sheet 67, Parcel 82, Book 233, Page 26.

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said comprehensive permit, and that copies of said decision, and of all plans referred to in the decision, have been filed with the planning board and the city or town clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no comprehensive(?) permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town or city clerk that twenty days have elapsed after the decision has been filed in the office of the city or town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.

Catherine R. Glenn
Chairman

Andrew F. Leddy jr.
Clerk

FORM 1094 HOBBS & WARREN INC REVISED

BOOK 273 PAGE 189

BOARD OF APPEALS
TOWN OF NANTUCKET
NANTUCKET, MASSACHUSETTS 02554

DECISION:

At a Public Hearing of the BOARD OF APPEALS held on FRIDAY, APRIL 4, 1986 at 1:30 p.m. in the Town and County Building, Nantucket, in the matter of the Application of THE NANTUCKET HOUSING AUTHORITY (025-86), the Board enters the following Decision and makes the following findings:

I. INTRODUCTION

1.11. This matter is before the Board of Appeals of the Town of Nantucket upon the filing of a comprehensive permit application on February 11, 1986 pursuant to Massachusetts General Laws, Chapter 40B, Sections 20-23, by the Nantucket Housing Authority, a public body politic and corporate duly organized under the provisions of Chapter 121B.

Pursuant to the filing of the Application, a public hearing held on March 4, 1986 in accordance with Chapter 40B, Section 21, and due notice was given pursuant to Chapter 40A, Section 11.

1.2. The Board in discharging its functions is required by Chapter 40B Section 21 to take into consideration the recommendation of the various local boards including the following: Fire Department, Board of Health, Department of Public Works, Building Inspector, Board of Selectmen, Nantucket Planning Board and the Historic District Commission. Pursuant to the provisions of Section 21, this Board is responsible for issuing all local permits and/or approvals on behalf of "Local Boards".

1.3. The standards of review in this instance and thosewhich this Board must address are whether the grant of the permit is reasonable and consistent with local needs and whether any condition imposed on the permit are uneconomic. See Board of Appeals v. Housing Appeals Committee in Department of Community Affairs (1973) 363 Mass. 339, 294 NE2d 393.

In cases where a locality has not met its minimum housing obligation, as specified under Low and Moderate Income Housing Act, a Board of Appeals must rest its decision to grant or deny a permit to construct such housing on whether the required need for low and moderate income housing outweighs the valid planning objections to the details of the proposal such as health, site, design, and the need to preserve open spaces. If the regional need for such housing outweighs such objections, the Board must override any restrictive local requirements and regulations.

A municipality's failure to meet its minimum housing obligations provides compelling evidence that the need for housing does, in fact, outweigh any objections to the proposal to construct low and moderate income housing. See Greenfield Zoning Board v. Housing Appeals Committee, 446 NEZd 748 (1983).

The Board of Appeals is further required to issue its decision with a full statement of reasons. See Bailey v. Board of Appeals of Holden, 345 NEZd 367 (1976).

1.4. The Applicant submitted the necessary plans, drawings, reports and documentation of the proposed development on February 11 and 24, 1986 as required by the Rules and Regulations of the Housing Appeals Committee 760 CMR: 31:02. The Applicant filed supplemental plans of the building elevations on March 4, 1986 and provided copies to Historic District Commission for its special meeting at 12:00 p.m. on March 4, 1986.

II. FINDINGS OF FACT AND CONDITIONS

2.1. The Applicant proposes to construct ten (10) duplex dwellings and one (1) four-unit dwelling to provide a total of twenty-four units (12 for elderly and 12 for low income family). In addition, the Applicant proposes to construct a neighborhood/community building with a total of 2,313.38 square feet including an area of 897.4 square feet for a day care center (proposed capacity not to exceed 20 children). The neighborhood/community building includes space for meetings and project maintenance.

The Applicant also requests the approval of eight (8) home sites and building envelopes (as designated on the site plan) for long term lease hold agreements to individuals who qualify for Farmers Home Loan projects or other similarly financed projects.

2.2. The Nantucket Housing Authority is the owner of record of the property consisting of a 20.80± acre site off Miacomet Road and Surfside Road and numbered 8 Miacomet Road (Assessor's Sheet 67, Parcel 82). The proposed area to be developed is about 182,000 SF extending southeasterly from the intersection of Miacomet Road and Surfside Road. The area is zoned Limited Use Gereral-2.

2.3. The proposal, as submitted, provided a 20'-25' foot rear yard setback for elderly units to be sited near Surfside Road and the bicycle path to the south of the Road. Keeping in mind the positive aspect of visual stimulation to the elderly by being located near an active area (the bicycle path), the Board finds that there is a valid planning objective in imposing a backyard setback requirement of 35 feet along this northerly boundary. The setback will provide a minimum buffer zone, and be in keeping with the setback of structures located across the street. An existing area of vegatation along this northerly boundary is to be maintained to provide partial visual screening. An additional planning objective required by the Board in order to minimize the visual impact of the structures along a major road is to re-locate the two-story, four-unit building designated 4E and exchange it with the single-story, two-unit building designated 2E now situate on Miacomet Road.

The above conditions are imposed after due consideration of the recommendations of Historic District Commission.

2.4. The Applicant futher proposed to construct the building with 5/12 and 6/12 roof pitches. The policy of the Historic District Commission requires a minimum 7/12 roof pitch on new construction. The Board finds that the Applicant's proposes shallow roof pitches will have a significant negative visual impact, and compliance with the Historic District Commission policy in this instance may be imposed without an undue financial burden on the Applicant and without making such a condition uneconomic.

2.5. The Applicant proposed to construct the buildings with vinyl clapboard siding. The Board finds that the proposed use of vinyl clapboard siding deviates substantially from a long-recognized Historic District Commission policy requiring white cedar shingles. Applicant conceded that both construction and maintenance with white cedar shingles is more practical in this Island environmant. Accordingly, the imposition of the condition would not be uneconomic to the Applicant, i.e., mandating the use of cedar shingles. The Board further requires that exterior trim be constructed of white cedar or other low-maintenance wood. If the wood is painted, the Applicant shall use Historic District Commission-approved colors. See HDC Bulletin No.4 (painting).

2.6. The Applicant proposed that all of the buildings will be served by Town sewer and water service shall be obtained from the Wannacomet Water Company. 700 feet of Miacomet Road from Surfside Road will be paved. this and interior road paving will conform with Planning Board specifications. These shall be required as conditions of this permit.

2.7. As recommended by the Planning Board, we strongly urge the provision of at least one interior sidewalk/bikepath with a six-foot wide grass strip separating it from the interior roadway. We condition this permit on the provision of such a path delineated from the roadway but not necessarily hard-surfaced or so spaced from it. We are advised that such provision, for safety's sake, would not be uneconomic.

2.8. We strongly recommend a Fire Department-approved automatic call-in alarm system, especially for the community center.

2.9. The Applicant requested an amendment to its Application at the time of hearing to change the request in item 8 of Rider A of the Application to permit the use of four (4) house trailers as temporary office and shelter (housing 12-16 workers) incidental to construction on the lot. The Board grants the requested relief provided that the trailers are located on site only for a one-year period of construction and be as far removed from Surfside Road as practical. The site shall be served by temporary on-site well water and septic system, to be in compliance with pertinent state and local codes.

2.10. In summary, this permit is conditioned on the following, which we find would not make the project uneconomic but rather safer and less likely to be stigmatized in the community:

a. Exterior siding and trim per paragraoh 2.5

b. Roof pitch perparagraph 2.4

c. Setback and screening from Surfside Road per paragraph 2.3 with buildings exchanged.

d. Design of buildings per revised 3/4/86 drawings agreed with HDC

e. Sidewalk/bike path per paragraph 2.7

f. Roads, sewer and water per paragraph 2.6

g. Trailers per paragraph 2.9

h. Adherence otherwise to the plans and representations submitted in conjunction with this Application

i. Submission to this Board for review, any material changes.

2.11. The Applicant's request for relief as set forth in Rider A to its Application by items numbered 1,2,3,4,5,6,7,9 and 10 is hereby granted. The Board notes that there was opposition to the particular relief requested. However, The Board received a favorable recommendation of the Planning Board to the Application as a whole.

2.12. In all other respects the plans are approved as submitted and no other conditions or requirements in excess of state code shall be imposed upon the Applicant. The Board has given due consideration to the written recommendations of the Historic District Commission and Planning Board. The Board did not receive any written recommendations from the Fire Department, Board of Health Department or Board of Selectmen.

2.13. The Applicant provided evidence at the hearing that there is no moderate or low income family housing available on Nantucket and there are only twenty (20) low or moderate elderly units available. The number of units presently available does comply with the mandatory 10% housing unit minimum.

2.14. The Board finds that the grant of the comprehensive permit is reasonable and consistent with local needs. The need for low and moderate income housing is evident. Any objections to the proposed plan are outweighed by the need for housing. Several conditions and requirements have been imposed by the Board as set forth herein and the Board finds that these are valid planning objectives necessary to the health and safety of the future residents of the site and the community as a whole.

2.15. It is therefore the Decision of the Board of Appeals to GRANT the Application with the conditions and requirements herein provided by a UNANIMOUS vote.

Dated: April 7, 1986
Nantucket, MA 02554

William R. Sherman

Andrew J. Leddy, Jr.

Dorothy D. Vollans

April 29, 1987
I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PERSUANT TO GENERAL LAWS 40A, SECTION 11
TOWN CLERK

NANTUCKET COUNTY
Received and Entered
APR 29 1987 11:04 A.M.
Attest Sandra M Chadwick
Register

BOOK 301 PAGE 83

TOWN OF NANTUCKET

BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

Date: May 13, 1988

CERTIFICATE OF GRANTING OF A MODIFICATION OF COMPREHENSIVE PERMIT

(Massachusetts General Laws, Chapter 40A, Section 11)

The BOARD OF APPEALS of the Town of Nantucket hereby certifies that a Comprehensive Permit Modification has been granted:

To: Nantucket Housing Authority (050-86)
(Owner/Applicant)

Address: Town + County Building, Nantucket MA 02554

affecting the rights of the Owner/Applicant with respect to land or buildings at 8 Miacomet Road (at the corner of Miacomet and Surfside Rd), Assessors sheet 67, parcel 82 Deed Reference ___

And the BOARD OF APPEALS further certifies that the attached Decision is a true and correct copy of its Decision granting the Comprehensive Permit modification and that copies of the Decision and of all plans referred to in the Decision have been filed with the Planning Board and the Town Clerk.

The BOARD OF APPEALS calls to the attention of the Owner/Applicant that General Laws, Chapter 40A, Section 17, provides (in effect) that no Comprehensive Permit modification, or any extension, modification or renewal thereof, shall take effect until (a) a copy of the Decision is certified by the Town Clerk that twenty days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed (or, if such appeal has been filed, that it has been dismissed or denied) and (b) the certified copy is recorded in the Registry of Deeds for the County of Nantucket and indexed in the grantor index under the name of the Owner of Record or is recorded and noted on the Owner's Certificate of Title. The fee for such recording or registering shall be paid by the Owner/Applicant.

William R. Shaw
Chairman

Andrew J. Leddy jr.
Clerk

BOARD OF APPEALS
TOWN OF NANTUCKET
NANTUCKET, MASSACHUSETTS 02554

DECISION:

The BOARD OF APPEALS, at a Public Hearing held on FRIDAY, APRIL 29, 1988 at 1:30 p.m. in the Town and County Building, Nantucket, made the following Decision upon the Application of the NANTUCKET HOUSING AUTHORITY (050-86) address, Town and County Building, Nantucket, MA 02554.

1.1. Applicant seeks a MODIFICATION of the Comprehensive Permit: granted April 7, 1986 pursuant to MGL Chapter 40B, Sections 20-23. In keeping with 760 CMR 31.03, especially paragraph (3), Applicant by letter dated April 1, 1988, requested our hearing on the changes desired.

1.2. Our findings are based on the record in the original 050-86 proceedings, viewing, and plans labeled "Miacomet Village" showing revisions through 4/18/88 bound as 7 sheets (marked our Exhibit "A"), representations and testimony received at our hearing.

1.3. As a clarification regarding the original Comprehensive Permit, the changes now proposed and any future proposals, this Board has determined that it is not legally empowered to act on those matters properly within the jurisdiction of the Nantucket Historic District Commission ("HDC"). Sections 20 and 21 of MGL Chapter 40B, the enabling statute under which the Board of Appeals may grant a comprehensive permit, allows it to speak for "applicable local boards", defined to include a "board having supervision of the construction of buildings or the power of enforcing municipal building laws". The Nantucket HDC is one of many in the Commonwealth created by state statute, not municipal law. If an HDC were intended to be included as a "local board", the definition could reasonably be expected to say so explicitly. An HDC function is to pass upon the appropriateness of exterior architectural features of buildings and structures. It does not supervise construction, that being within the jurisdiction of the Building Commissioner. If this Board lacks HDC jurisdiction, it would follow that the Housing Appeals Committee lacks corresponding appellate jurisdiction.

2.1. We find that the changes now proposed by Applicant remain consistent with local needs. The changes are all shown on Exhibit "A" and include the following:

(a) Buildings 3B and 4A are relocated from near Surfside Road to sites near Miacomet Road south of the other buildings in Miacomet Village. Building 2C is deleted and will not be constructed.

(b) The interior loop road is to be discontinuous, thus becoming two entry roads with cul-de-sac turn-arounds. The pathway bordering the roads may provide a direct link between turn-arounds but not for motor vehicles. Loop road utilities are rerouted.

(c) An approximately 4' x 6' entry porch will be constructed in the front of 2-story Building 6 along Miacomet Road, in lieu of entry stoop or pad.

2.2. The occasion for these changes is the recently discovered, about 200-year old, Indian graveyard in the original locus of Buildings 2C, 3B and 4A. Provisional delineation of that graveyard is marked on the Exhibit "A" site plan. Out of proper deference and pursuant to commitments with the state Historical Commission and the Commission on Indian Affairs, the graveyard site will remain unconstructed and eventually restored to a natural state. Applicant's request for change in its Comprehensive Permit under these circumstances is upon the advise of the State Executive Office of Communities and Development.

2.3. The new sites for Buildings 3B and 4A were a part of Applicant's 20-acre tract intended as Farm Home lots for "sweat-equity" housing. While constructions on these lots were not a subject of our original hearing in 1986, the new siting does not raise any new question of zoning or planning. Interruption of the interior roadway in the area of the graveyard is appropriately dealt with, based upon representations as to concerns of the Planning Board and the Nantucket Fire Department. The Building 6 change is clearly minor but material in easing handicapped access. If and when a looped water line may be laid across the gap now defined by the provisional graveyard perimeter, Applicant will install it

(050-86) -3-

to meet Fire Department concerns.

3.1. Subject to the foregoing, the original Comprehensive Permit is modified by substitution of the Exhibit "A" plans to the extent they supercede the original plans, notably for purposes of original condition 2.10 (h) requiring adherence to plans.

3.2. Such MODIFICATIONS are hereby APPROVED by UNANIMOUS vote of this Board.

Dated: May 13, 1988
Nantucket, MA 02554

William R. Sherman

Andrew J. Leddy, Jr.

Dale W. Waine

Received May 13, 1988
Jeanne M. Waldgate, Clerk

NANTUCKET, 1988

I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 17.

TOWN CLERK

NANTUCKET COUNTY
Received and Entered
JUN 14 1988 1:18pm
Attest Sandra M. Chadwick
Register

COMMONWEALTH OF MASSACHUSETTS

HOUSING APPEALS COMMITTEE

NANTUCKET HOUSING AUTHORITY, Appellant	)	
v.	)	No. 94-02
NANTUCKET BOARD OF APPEALS, Appellee	)	

DECISION

In its decision of February 16, 1994, the Nantucket Board of Appeals, granted, subject to conditions, the Nantucket Housing Authority's request for a Comprehensive Permit for affordable housing under G.L. c. 40B, §§ 20-23. The Housing Authority appealed to the Housing Appeals Committee.

Because it appeared that the differences between the parties might be resolved, the Committee permitted continuance of the hearing. Negotiation has proven fruitful, and the parties have presented to the Committee a Stipulation dated May 6, 1994.

The Committee has examined the stipulation, finds it a satisfactory resolution of the issues between the parties, and incorporates it by reference, making it part of this decision. The Committee approves issuance of a Comprehensive Permit upon the terms and conditions set out in the Stipulation.

Housing Appeals Committee

Werner A. Lohe Jr.
Acting Chairman

Date: 5/20/94

BOOK 0449 PAGE 345

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF COMMUNITY AFFAIRS
HOUSING APPEALS COMMITTEE

Nantucket Housing Authority

v.

The Board of Appeals of the
Town of Nantucket

Case No. 94-02

STIPULATION

Now come the parties in the above entitled action and stipulate as follows;

The Application of the Nantucket Housing Authority for a Comprehensive Permit dated November 10, 1993, filed November 19, 1993, is GRANTED subject to the following terms and conditions:

1. The original plan filed with the Application is superceded. A plan dated 3-14-94 (revised 4/8/94) by Charles W. Hart., P.L.S. shall be endorsed by the Nantucket Board of Appeals as follows:

"Approval under the Subdivision Control Law by the Board of Appeals for the Nantucket Planning Board, acting pursuant to power granted by M.G.L. Chapter 40B, Section 21. This plan is subject to conditions set forth in a Stipulation approved by the Housing Appeals Committee dated April May 6, 1994."

2. Lots 4, 6, 7, 8, 10, 12, 13 and 14 are approved as buildable lots each having a minimum of 10,000 square feet and all buildings are to be in compliance with the Intensity Regulations as set forth in the Zoning By-law of the Town of Nantucket for a Residential-10 zone.

3. Five (5) of the eight lots so approved shall be restricted to one (1) single family dwelling. Duplexes shall be permitted on three (3) of the eights approved lots. No triplexes shall be permitted on any of the eight lots.

4. Lots 4, 6, 7, and 8 will have driveway access onto Benjamin Drive only.

5. Lots 10, 12, 13, and 14 will have driveway access onto an interior way and shall not have direct driveway access onto Miacomet Road.

6. Lots 5, 9, 11 and a thirty (30') foot strip along the westerly boundary (Miacomet Road side) of Lot 4 will constitute green space/buffer zone with no driveway access for any lots. There will be planted vegetation within the buffer zone of Lot 4 to discourage vehicular access directly onto Miacomet Road.

7. Although not a condition of the Grant of the Comprehensive Permit, it is strongly urged by the Board of Appeals that the Nantucket Housing Authority pursue its plan for the landscaping of Phase I of Miacomet Village.

8. Structures will be subject to Historic District Commission Approval as applicable.

9. The within Stipulation to be effectuated by the parties in such format as may be reasonably required for recording same in the Nantucket Registry of Deeds.

Dated: ~~April~~ May 6, 1994

Nantucket Board of Appeals
By: _____
BY: _____
BY: _____
BY: _____
By: _____

Nantucket Housing Authority
by its attorney

_____
Julie A. Fitzgerald
4 Bartlett Road, P.O. Box 2567
Nantucket, MA 02584
(508) 228-5046

JUN 28 1994 NANTUCKET COUNTY REC'D ENTERED

9:30AM SANDRA M CHADWICK ATTEST REGISTER

End of Instrument

BOOK 0449 PAGE 347

TOWN OF NANTUCKET

BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

Date: May 19 , 1994

COMPREHENSIVE PERMIT

CERTIFICATE OF GRANTING OF VARIANCE AND/~~OR~~ SPECIAL PERMIT
(Massachusetts General Laws, Chapter 40A, Section 11)

The BOARD OF APPEALS of the TOWN OF NANTUCKET, hereby certifies that a VARIANCE and/~~OR~~ SPECIAL PERMIT has been GRANTED:

To:(Owner/Applicant) NANTUCKET HOUSING AUTHORITY (030-94)

Address: 8 Miacomet Road, Nantucket, MA 02554

affecting the rights of the Owner/Applicant with respect to land or building at: 8 Miacomet Road, Assessor's Map 67, Parcel 82,

as shown on Plan Book 21-B

Deed Reference: 233, 26

And the BOARD OF APPEALS further certifies that the attached Decision is a true and correct copy of its Decision GRANTING the VARIANCE and/~~OR~~ SPECIAL PERMIT and that copies of the Decision and of all plans referred to in the Decision have been filed with the Planning Board and the Town Clerk.

The BOARD OF APPEALS calls to the attention of the Owner/Applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no VARIANCE and/~~OR~~ SPECIAL PERMIT, or any EXTENSION, MODIFICATION or RENEWAL thereof, shall take effect until (a) a copy of the Decision is certified by the Town Clerk that TWENTY (20) days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed (or, if such appeal has been filed, that it has been dismissed or denied) and (b) the certified copy is recorded in the Registry of Deeds for the County of Nantucket and indexed in the grantor index under the name of the Owner of Record or is recorded and noted on the Owner's Certificate of Title. The fee for such recording or registering shall be paid by the Owner/Applicant.

Chairman

Clerk

Form

BOOK 0449 PAGE 348

4-89

NANTUCKET ZONING BOARD OF APPEALS
TOWN AND COUNTY BUILDING
NANTUCKET, MA 02554

May 19 , 1994

To: Parties in interest and others
concerned with the decision of the
Board of Appeals in Application No. 030 -94
of: NANTUCKET HOUSING AUTHORITY
seeking a ~~XXXXXXXXXXXXXXXXXXXX~~ Comprehensive Permit 030 -94

Enclosed is the decision of the Board of Appeals which has this day been filed with the Nantucket Town Clerk.

An administrative appeal from this decision may be taken by the Applicant to the Housing Appeals Committee pursuant to Chapter 40B, Massachusetts General Laws.

A court action appealing this decision may be filed by a party in interest pursuant to Section 17 of Chapter 40A, Massachusetts General Laws.

Any court action appealing the decision must be brought by filing a complaint in court within twenty (20) days after this date. Notice of the action with a copy of the complaint and certified copy of the decision must be given to the Town Clerk so as to be received within such twenty (20) days.

Dale W. Waine, Chairman

cc: Town Clerk
Planning Board
Building Commissioner

TOWN OF NANTUCKET
BOOK 0449 PAGE 349

BOARD OF APPEALS

NANTUCKET, MASSACHUSETTS 02554

Assessor's Map 67
Parcel 82
LUG-II

8 Miacomet Road
Plan Book 21-B
233, 26

At a Public Hearing of the Nantucket Zoning Board of Appeals, held on Friday, April 8, 1994, at 1:00 P.M. in the Town and County Building, Broad Street, Nantucket, Massachusetts, on the Application of the NANTUCKET HOUSING AUTHORITY of 8 Miacomet Road, Nantucket, MA 02554, Board of Appeals File No. 030-94, the Board made the following Decision:

1. Applicant seeks a Comprehensive Permit pursuant to M.G.L. Chapter 40B to construct eight (8) multi-family dwelling units for a total of twenty-one (21) units and a laundry/maintenance facility and to create a separate lot (Lot 3) as shown on Exhibit A on file. Relief from the Zoning By-Law and Rules and Regulations of the Planning Board and Subdivision Control Law was requested as set forth on Rider A to the Application, a copy of which is attached hereto as Exhibit B.

The premises are located at8MIACOMET ROAD, Assessor's Map 67, Parcel 82, as shown in Plan Book 21-B. The property is zoned Limited Use General-II. A Comprehensive Permit was previously issues in 1986 and modified in 1988, BOA File No. 050-86, and another Comprehensive Permit was filed in 1993, BoA File No. 110-93, and is pending final resolution.

2. The Decision is based upon the Application and materials submitted with it and the testimony and evidence presented at the hearing. One abutter was present and spoke in opposition, expressing concerns about density, having 10,000 SF lots in an area that requires 2 acres (80,000 SF); appearance and lack of adequate screening; maintaining zoning integrity; control issues of the development and tenant selection issues. There were two letters raising concerns about increased traffic on Miacomet Road. The Planning Board staff made a favorable recommendation, but encouraged the construction of a bike path along Miacomet Road. A letter from the Historic District Commission raised concerns about the parking being at right angles; the lack of a definitive landscape planting schedule and asked that the Housing Authority provide screening and an area of open-space as a buffer zone. In a letter from the Department of Public Works, it expressed no objection to the proposed project but suggested that, due to State sewer regulations, the project may face problems with issuance of sewer connection permits in excess of the existing balance.

Lawrence Krajeski, from the South Shore Housing Development, was present as a consultant for the Nantucket Housing Authority. He submitted written documents regarding tenant selection procedures and a management plan.

3. The standards of review in this instance and those which the Board must address are whether the grant of the permit is reasonable and consistent with local needs and whether any conditions imposed on the permit are uneconomic.

In cases where a locality has not met its minimum housing obligations, the Board must rest its Decision on whether the required need for low and moderate income housing outweighs any valid planning objections to the proposal. If the regional need for housing outweighs such objections, the Board must override any restrictive local requirements and regulations.

4. The proposal as submitted, requests approval for eight (8) buildings with a total of twenty-one (21) dwelling units, (4-one bedroom, 13-two bedroom and 4-three bedroom units) and a laundry/maintenance facility to be located in one of the eight buildings. There will be two (2) paved parking spaces per unit, a paved interior roadway with an eighteen to twenty foot width, and a paved sidewalk/bike path as shown on the plan on file. The units will be served by municipal water and sewer. Fire hydrants and alarm systems will be installed per the requirements of the Nantucket Fire Department. A landscaping allowance will be part of the grant application, and was represented to be $12,000.00. Each building will have an enclosed attached storage area.

Also, as part of this phase, adequate money would be available for a full time on site manager. Maintenance personnel would be available on call per annual budget allowances.

5. After due consideration, the relief requested as set forth in Exhibit B, is granted by a unanimous vote, upon the following conditions:

a. No more than eight (8) buildings with a total of twenty-one (21) dwelling units and laundry/maintenance facility to be located on Lot 3 in substantial conformity with the plan on file and marked as Exhibit C on file at the Zoning Board of Appeals;

b. The interior roadway, parking spaces and sidewalk/bike path will be paved and be in substantial conformity with the aforementioned plan on file;

c. There will be an attached enclosed storage area for each building;

d. The buildings will be served by municipal water and sewer;

e. The areas shown as #17 will not contain any dwellings, but may have no more than two maintenance/storage garages;

f. There will be a twenty (20') foot buffer zone on the area shown as #15 along the southeasterly boundary of Lot 3 as shown on Exhibit A on file. No structure shall be built in said buffer zone. However, future roads/access across said buffer zone are not hereby prohibited; and

g. Two (2) trailers may be used for temporary office and shelter (housing for not more than four workers) incidental to construction on the site shall be permitted for a period not to exceed eighteen (18) months from the date grant application loan is closed.

6. The Board finds that the GRANT of the COMPREHENSIVE PERMIT is reasonable and consistent with local needs. Any objections to the proposed plan are outweighed by the need for housing. Several conditions and requirements have been imposed by the Board as set forth herein and the Board finds that these are valid planning objectives necessary to the health and safety of the future residents of the site and the community as a whole.

It is therefore the Decision of the Board of Appeals to GRANT by unanimous vote the COMPREHENSIVE PERMIT with the conditions and requirements as herein provided.

Dated: May 19, 1994

RECEIVED
TOWN CLERK'S OFFICE
NANTUCKET, MA 02554
MAY 19 1994
TIME: 4:15 PM
CLERK: Rebecca J. Coleman

Dale W. Waine

Linda F. Williams

Ann Balas

Michael Angelastro

Michael O'Hara

I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED PURSUANT TO GENERAL LAWS CHAPTER 40A SECTION 11.
TOWN CLERK
NANTUCKET
CORPORATE
ATTEST: A TRUE COPY
Rebecca J. Coleman
NANTUCKET TOWN CLERK

EXHIBIT B
BOOK 0449 PAGE 352

RIDER A
Application to the Board of Appeals
for a Comprehensive Permit
pursuant to M.G.L. Chapter 40B

A. Zoning By-law:

1. Applicant requests relief from Section 139-7A, Permitted Uses Section (or Section 139-7E) in Limited Use General II District, to allow the construction of eight (8) multi-family dwelling units for a total of twenty-one (21) units on a non-conforming lot to be created pursuant to this permit.

2. Applicant requests relief from Section 139-11, Major Commercial Development, if applicable.

3. Applicant requests relief from Section 139-7, Cluster Development, if applicable.

4. Applicant requests relief from Section 139-16, Intensity Regulations to create Lot 3 as shown on a plan dated March 14, 1994 by Charles W. Hart & Associates, Inc. as to frontage and ground cover ratio.

5. Applicant requests relief from Section 139-18C. (1) and 139-19, if applicable. All dwelling units will meet or exceed the required number of parking spaces per unit.

6. Applicant requests relief from Section 139-20, Off-Street loading facilities, if applicable, to the maintenance/storage facility and laundry room.

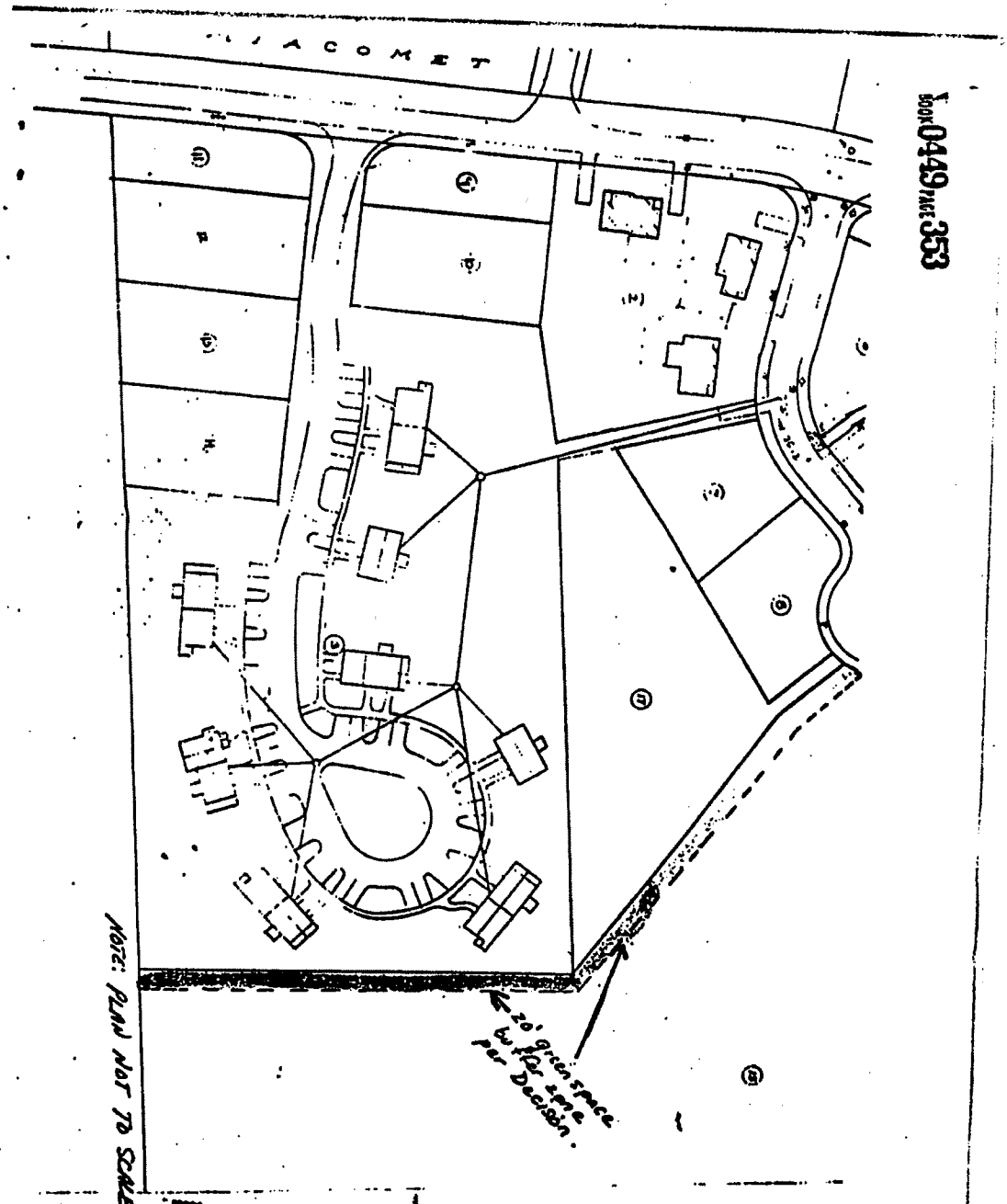
7. Applicant requests relief from Section 139-7 E (2) and (3) to allow the use of two (2) trailers as temporary office and shelter (housing for four (4) workers) incidental to construction on the site.

8. Applicant requests relief from Section 139-24, Rate of Development, to allow the immediate issuance of the necessary building permits for construction when appropriate.

B. Rules and Regulations of the Planning Board and Subdivision Control Law:

Applicant requests relief from the Rules and Regulations of the Nantucket Planning Board and the Subdivision Control Law, as applicable, including but not limited to, 4.19-Bike Paths.

RIDERA.WPS



JUN 28 1994
NANTUCKET COUNTY
REC'D ENTERED

9:30 AM
SANDRA M. CHADWICK
ATTEST REGISTER

End of
Instrument

TOWN OF NANTUCKET

ZONING BOARD OF APPEALS

37 WASHINGTON STREET
NANTUCKET, MASSACHUSETTS 02554

Date: March 21, 1997

To: Parties in interest and others concerned with NANTUCKET BOARD OF APPEALS decision on the Application of the NANTUCKET HOUSING AUTHORITY, No. 017-97 for a MODIFICATION OF COMPRENSIVE PERMIT

Enclosed is the decision of the Board of Appeals which has this day been filed in the office of the Nantucket Town Clerk.

An administrative appeal from this decision may be taken by the Applicant to the Housing Appeals Committee pursuant to Chapter 40B of the Massachusetts General Laws. Such Appeal shall be taken within TWENTY (20) days after this date.

Any person aggrieved by the issuance of this comprehensive permit or approval may appeal this decision under Section 17 of Chapter 40A of the Massachusetts General Laws. Any court action appealing the decision must be brought by filing a complaint in court within TWENTY (20) days after this date. Notice of the action with a copy of the complaint and certified copy of the decision must be given to the Nantucket Town Clerk so as to be received within TWENTY (20) days after this date.

Michael J. O'Mara, Chairman

cc: Town Clerk
Planning Board
Building Commissioner

NANTUCKET ZONING BOARD OF APPEALS
37 Washington Street
Nantucket, Massachusetts 02554

Assessor's Map 67
Parcel 82
Limited Use General 2

8 Miacomet Road
Plan Book 21-B

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Friday, February 14, 1997, at 1:00 P.M., in the Selectmen's Meeting Room, in the Town and County Building, Broad Street, Nantucket, Massachusetts, the Board made the following decision on the application of the NANTUCKET HOUSING AUTHORITY, of 3 Manta Drive, Nantucket, Massachusetts, 02554, in BOA File No. 017-97:

2. The Applicant is seeking a MODIFICATION of the Board of Appeals' decision in Application No 030-94, in which a COMPREHENSIVE PERMIT was granted pursuant to M.G.L. Chapter 40B (the "1994 COMPREHENSIVE PERMIT") to create a 159,387 sf ± lot, shown as Lot 3 on a plan dated March 14, 1994 by Charles W. Hart & Associates, Inc. and recorded with the Nantucket Registry of Deeds in Plan File 44-Y and to construct eight (8) multi-family dwelling units for a total of twenty-on (21) units and a laundry/maintenance facility on Lot 3. The Applicant now seeks a MODIFICATION of the 1994 COMPREHENSIVE PERMIT to allow the division of Lot 3 into a 145, 868± sf lot and a 11,319± sf lot, said lots being shown as Lots 3A and 3B, respectively, on a plan dated January 20, 1997 by Charles W. Hart & Associates, Inc. and a copy of which is attached hereto as Exhibit A, and to allow the construction of no more than seven (7) muli-family dwelling structures containing nineteen (19) dwelling units on Lot 3A and the construction of no more than one (1) single-family dwelling on Lot 3B. Relief was sought from the Massachusetts Subdivision Control Law and the Rules and Regulations of the Planning Board, as applicable and the following Nantucket Zoning By-Law sections:

1. Section 139-11, Major Commercial Development, if applicable;

2. Section 139-7, Cluster Development, if applicable

3. Section 139-16, Intensity Regulations to create Lots 3A and 3B as shown on a Plan dated January 20, 1997 by Charles W. Hart & Associates, Inc. and to site structures thereon, as to minimum lot area, frontage and ground cover ratio.

4. Section 139-20, Off-Street Loading Requirements, if applicable

5. Section 139-24, Rate of Development, to allow the immediate issuance of the necessary building permits for construction when appropriate.

The premises is located at 8 Miacomet Road, Assessors Map 67, Parcel 82, as shown in Plan Book 21-B, the subject Lot 3 being shown in Plan File 44-Y. The property is zoned Limited Use General - 2. A Comprehensive Permit was previously issued for this property in BOA File No. 050-86, as modified in 1988. Another Comprehensive Permit was issued for this property in BOA File No. 110-93, as modified by the Decision of Commonwealth of Massachusetts Housing Appeals Committee in Case No. 94-02.

3. Our decision is based upon the application and accompanying materials, and representations and testimony received at our public hearing. There was no Planning Board recommendation and no local regulatory agency sought to make comment.

4. The standards for review in this instance and those which the Board must address are whether the grant of the comprehensive permit is reasonable and consistent with local needs and whether any conditions imposed on the permit are uneconomic.

5. The Applicant informed the Board that federal funding for the original project was sufficient to construct only seven (7) multi-family structures containing 19 units shown on Exhibit B on file with Board, as opposed to the eight (8) structures and 21 units approved under the 1994 COMPREHENSIVE PERMIT. These seven (7) structures are in the final stages of construction on Lot 3A and given that an eighth structure will not be built as part of this federal project, the Applicant wants to remove the land for the eighth structure (Lot 3B) from the federal project and construct a single-family structure on Lot 3B when funding becomes available.

6. After due consideration, the requested MODIFICATION of the 1994 COMPREHENSIVE PERMIT to divide Lot 3 into Lots 3A and 3B and to construct no more than seven (7) muli-family dwelling structures containing nineteen (19) dwelling units on Lot 3A and a single-family dwelling on Lot 3B, is granted, provided, however, that condition "a" in Paragraph 5 of the 1994 COMPREHENSIVE PERMIT is hereby deleted and the follow condition is substituted in lieu thereof:

a) No more than seven (7) structures with a total of nineteen (19) dwelling units and laundry/office facility may be constructed on Lot 3A in substantial conformance with the plan on file with the Zoning Board of Appeals and marked as Exhibit B, and one (1) single-family structure may be constructed on Lot 3B in conformance with the dimensional requirements for land in a Residential-10 Zoning District under the Nantucket Zoning By-Law.

All remaining conditions set forth in the 1994 COMPREHENSIVE PERMIT shall remain in full force and effect.

7. Furthermore, the Board finds that the grant of COMPREHENSIVE PERMIT, as modified herein, to be reasonable and consistent with local needs and that conditions imposed by the Board are economic and further valid planning objectives necessary to

protect the health, safety and welfare of future residents of the property and the community as a whole.

6. It is therefore the decision of the Board of Appeals to GRANT, by unanimous vote, the requested MODIFICATION of the 1994 COMPREHENSIVE PERMIT subject to the conditions and requirements provided herein.

Dated: March , 1997

Michael O'Mara

Linda F. Williams

Nancy J. Sevrens

D. Neil Parent

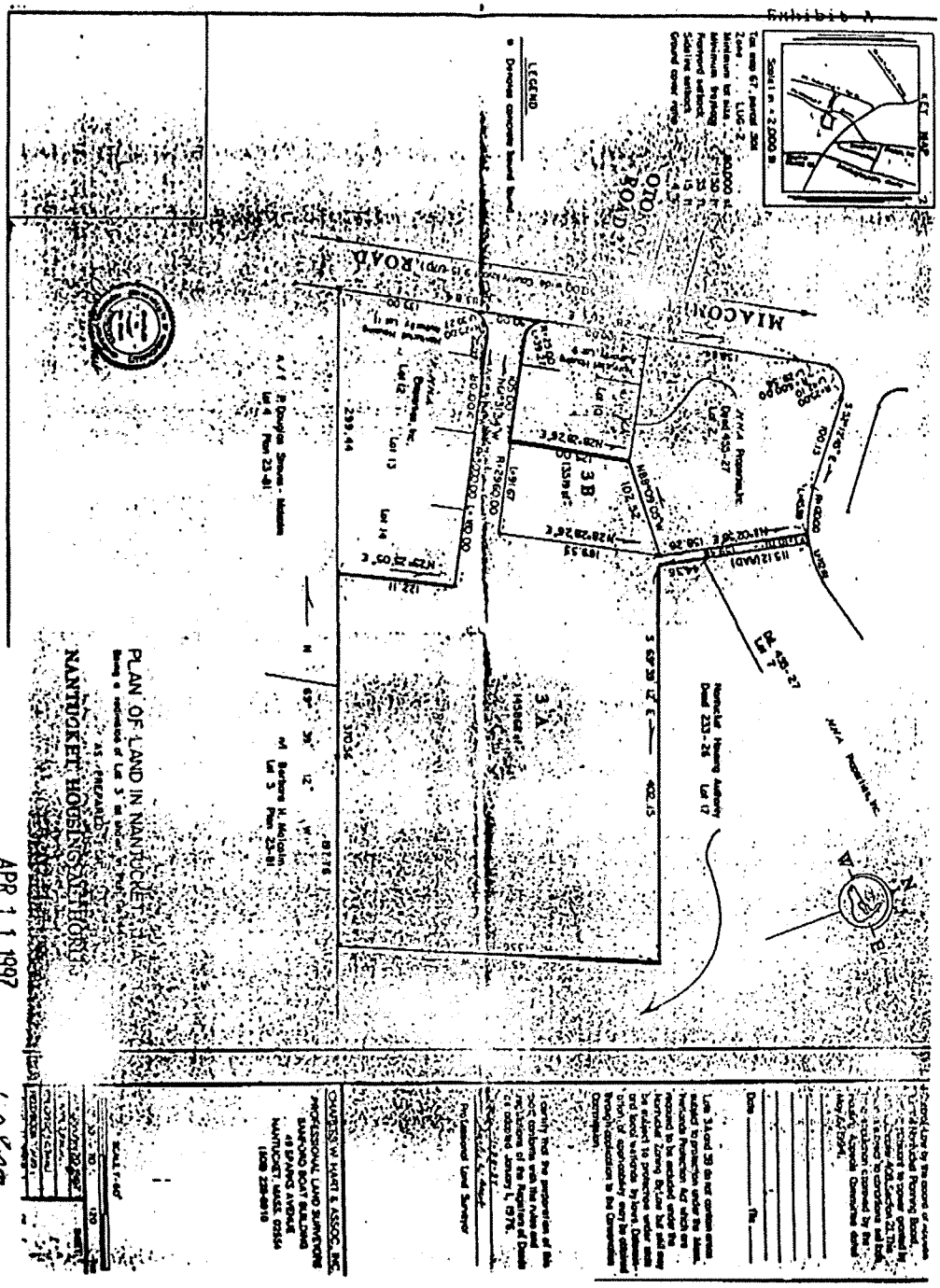
Edward S. Poole

RECEIVED
TOWN CLERK'S OFFICE
NANTUCKET, MA 02554
MAR 21 1997
TIME: 3:35?
CLERK:

I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED PURSUANT TO GENERAL LAWS CH. 40A, SECTION 11

TOWN CLERK

APR 11 1997



End of
Instrument

Materials Provided by Staff

SURVEY PLAN OF LAND IN NANTUCKET ISLAND, MA.

as prepared for

Lowery & Blanchard, Inc., Architects

Nantucket Housing Authority, Owner

0 10 50 120 feet

0 5 10 20 30 40 meters

Scale 1 in. = 60 ft. December 13, 1985

HART – BLACKWELL & ASSOC., INC.

5 Sparks Avenue, Nantucket, Mass. 02554

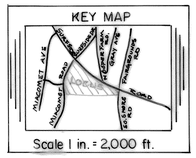
REVISED: 1-4-86

FEB 05 1986 2:15PM

RECEIVED AND ENTERED WITH NANTUCKET COUNTY DEEDS BOOK OF DEEDS 321 PAGE 18

REGISTER

KEY MAP



Scale 1 in. = 2,000 ft.

Tax map 67, parcel 82
Zone . . . LUG - 2
Minimum lot size . . . 80,000 sf.
Minimum frontage . . . 150 ft.
Frontyard setback . . . 35 ft.
Sideline setback . . . 15 ft.

I certify that to the best of my knowledge all information is true and accurately shown.
I certify that the property lines shown on this plan are those lines dividing existing ownerships, and the lines of the streets and ways shown are those of public or private streets or ways already established and that no new lines for division of existing ownerships or for new ways are shown.
I certify that this plan was prepared in accordance with the rules and regulations of the Registers of Deeds as adopted June 19, 1975.

Date: 12-12-85

Registered Land Surveyor

JOSIAH S. BARRETT No. 1605 REGISTERED LAND SURVEYOR

■ dh in C.B. FND. DENOTES DRILL HOLE IN CONCRETE BOUND FOUND

■ C.R.B. FND. DENOTES COUNTY ROAD BOUND FOUND

NOTE: FIELD SURVEY ERROR OF CLOSURE RATIO 1 : 60000

AREA = 905,927 sf.± (20.80ac.)

SHEET 1 OF 3

HB-528

SURVEY PLAN OF LAND IN NANTUCKET ISLAND, MA.

as prepared for

Lowery & Blanchard, Inc., Architects

Nantucket Housing Authority, Owner

0 10 50 120 feet

0 5 10 20 30 40 meters

Scale 1 in. = 60 ft. December 13, 1985

HART – BLACKWELL & ASSOC., INC.

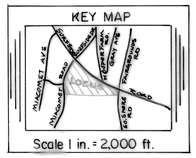
5 Sparks Avenue, Nantucket, Mass. 02554

REVISED: 1-4-86

FEB 05 1986 2:15PM

RECEIVED AND ENTERED WITH NANTUCKET COUNTY DEEDS BOOK OF DEEDS 321 PAGE 18

REGISTER



Scale 1 in. = 2,000 ft.

Tax map 67, parcel 82
Zone . . . LUG - 2
Minimum lot size . . . 80,000 sf.
Minimum frontage . . . 150 ft.
Frontyard setback . . . 35 ft.
Sideline setback . . . 15 ft.

I certify that to the best of my knowledge all information is true and accurately shown.
I certify that the property lines shown on this plan are those lines dividing existing ownerships, and the lines of the streets and ways shown are those of public or private streets or ways already established and that no new lines for division of existing ownerships or for new ways are shown.
I certify that this plan was prepared in accordance with the rules and regulations of the Registers of Deeds as adopted June 19, 1975.

Date: 12-12-85

Registered Land Surveyor

JOSIAH S. BARRETT No. 1605 REGISTERED LAND SURVEYOR

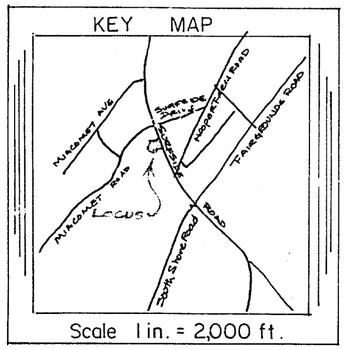
- dh in C.B. fnd. DENOTES DRILL HOLE IN CONCRETE BOUND FOUND
- C.R.B. fnd. DENOTES COUNTY ROAD BOUND FOUND

NOTE: FIELD SURVEY ERROR OF CLOSURE RATIO 1 : 60000

AREA = 905,927 sf.± (20.80ac.)

SHEET 1 OF 3

HB-528



Tax map 67, parcel 82
Zone . . . LUG-2
Minimum lot size . . . 80,000 sf.
Minimum frontage . . . 150 ft.
Frontyard setback . . . 35 ft.
Sideline setback . . . 15 ft.
Groundcover ratio . . . 4 %

Approval under the Subdivision Control Law "NOT REQUIRED" Ref. Chapter 41, Section 81-P, G.L.

NANTUCKET PLANNING BOARD

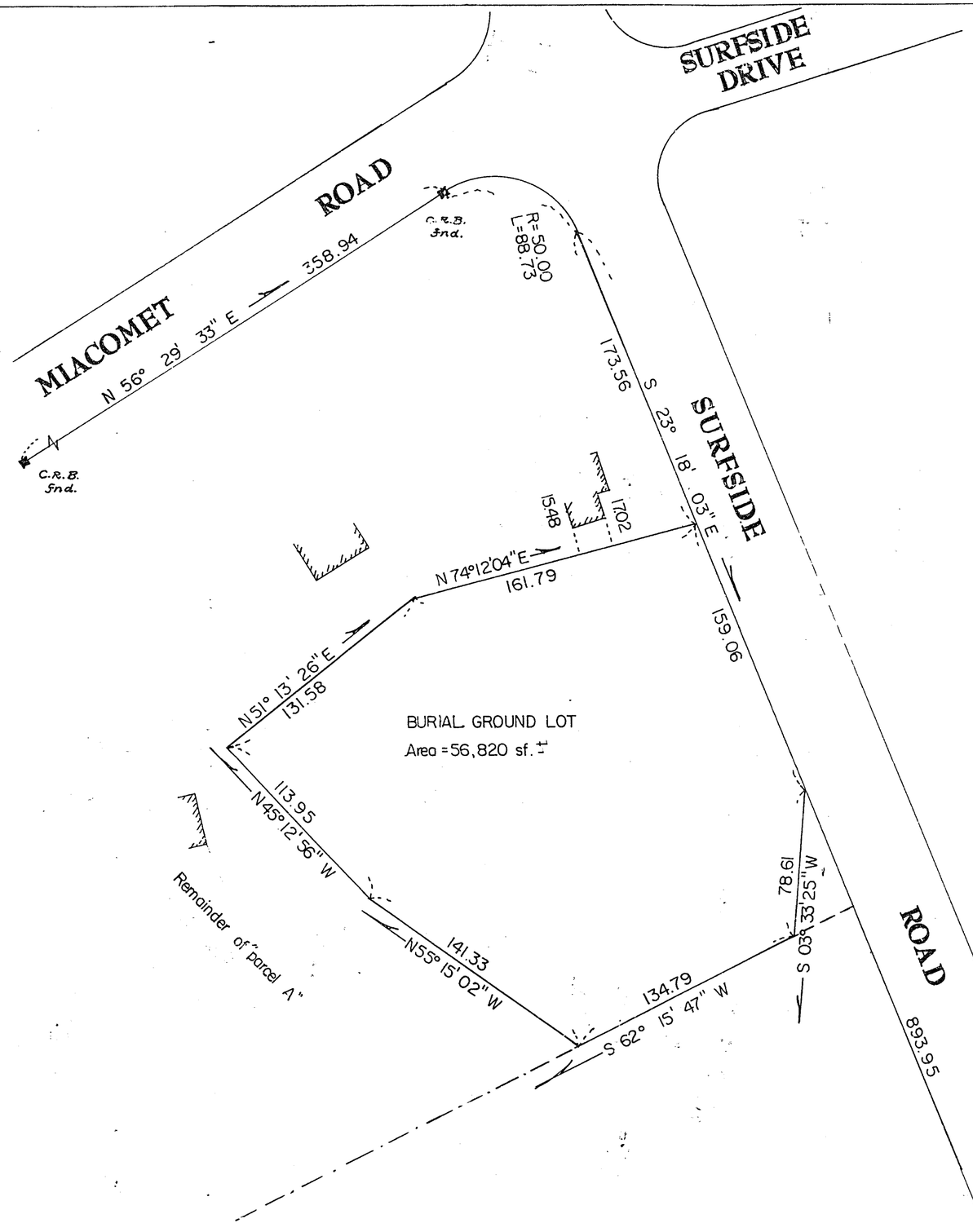
Date August 13, 1990 file 3480

COMMONWEALTH OF MASSACHUSETTS
CHARLES W. HART
No. 32489
REGISTERED PROFESSIONAL LAND SURVEYOR

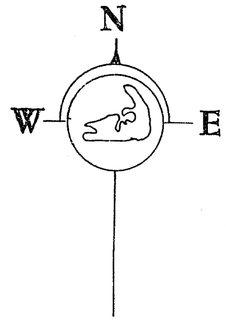
I certify that the preparation of this plan is in accordance with the rules and regulations of the Registers of Deeds as adopted January 1, 1976.

Date 8-13-90

Land Surveyor
Charles W. Hart
Registered Land Surveyor



Lots Burial Ground Lots, as shown, have insufficient area and
Lots _____, as shown, have insufficient frontage
to comply with present zoning requirements.



NANTUCKET REGISTRY OF DEEDS
Date MAY 23 1991
Time 1:04 PM
Plan BK 25 PG 44
Plan File
Sandra Mehodwick
Attest: Register

PLAN OF LAND IN NANTUCKET ISLAND, MASS.

Being a redivision of land shown on plan file 21-B, Deed ref. Deedbook 233, page 26.

AS PREPARED FOR
NANTUCKET HOUSING AUTHORITY
TO BE CONVEYED TO
Inhabitants of the Town of Nantucket

0 50 100 feet
0 5 10 20 30 meters

Scale 1 in. = 50 ft. July 30, 1990
HART — BLACKWELL & ASSOCIATES, INC.
6 Youngs Way, Nantucket Island, Mass. 02554

HB - 2560

NANTUCKET REGISTRY OF DEEDS
Date JUN 28 1994
Time 9:30 AM
Plan Bk ____ Pg ____
Plan File 44-Y
Sandra M. Chadwick
Attest Register

■ .... Denotes Concrete Bound found.

(4) (TYP.) ..... Denotes Lot number.

[1] (TYP.) ..... Denotes Area number.

SURFSIDE DRIVE

ROAD

N 56° 29' 33" E 358.94

R=50.00 L=88.73 (not tangent)

173.56

S 23° 17' 59" E 159.06

SURFSIDE

(Public variable width County layout 12-20-1973)

561.33

893.95

HOOPER FARM ROAD

Town of Nantucket Burial Ground Planbook 25, page 66

161.79 S 14° 12' 04" W

131.58 S 5° 13' 26" W

78.61 N 03° 33' 52" E

S 45° 12' 56" E 113.95

S 55° 15' 02" E 141.33

N 62° 15' 47" E 134.79

60.00

53.95

[1] 92,571 sf.±

[15] 397,208 sf.±

[16] 20,671 sf.±

[17] 38,356 sf.±

2 38,836 sf.±

3 159,387 sf.±

(4) 11,084 sf.±

(5) 10,010 sf.±

(6) 10,010 sf.±

(7) 10,063 sf.±

(8) 10,020 sf.±

(9) 6116 ± sf

(10) 10,000 ± sf

(11) 7687 ± sf

(12) 11,772 ± sf

(13) 11,113 ± sf

(14) 10,307 ± sf

14.00 N 33° 30' 27" W 135.00

L=7.98 S 33° 30' 27" E 129.42

L=293.41 S 37° 47' 15" W 98.72

L=87.90 R=250.00 S 37° 37' 37" W 103.37

L=40.36 S 37° 47' 15" W 40.43

R=600.00 L=94.07

R=80.00 L=74.34 N 52° 12' 45" W 103.29

S 52° 12' 45" E 100.15

R=120.00 L=112.41 L=56.41 145.2

R=80.00 L=45.99

N 56° 29' 33" E 65.81

N 56° 29' 33" E 42.84

N 33° 30' 27" W 125.32

S 74° 07' 03" W 63.00

L=45.19 56.21 S 35° 52' 54" W 10.00 (R.A.D.)

R=50.00 L=99.71

N 74° 07' 03" W 56.04 41.52

L=228.45 L=71.37

R=200.00 L=28.55

S 15° 52' 57" E 105.89

S 15° 52' 57" E 111.80

N 11° 02' 58" E 158.26

(R.A.D.) 12 L=10.00

N 81° 46' 32" E 122.10

S 15° 52' 57" E 233.90

S 15° 52' 57" E 63.96 (R.A.D.) 60.73

S 15° 52' 57" E 251.82

N 15° 52' 57" W 44.36

158.84

483.84

N 61° 31' 34" W 130.00

80.00 50.00

N 88° 09' 05" W 102.52

S 69° 39' 12" E 402.15

(Public 50.00 wide County layout 9-15-1970)

MIACOMET ROAD

N 28° 28' 26" E 135.00

OTOKOMI ROAD

100.00 90.00

R=25.00 L=39.27

N 61° 31' 34" W 80.00

125.00 S 28° 28' 26" W

125.00 N 28° 28' 26" E

S 61° 31' 34" E 105.00 105.00

R=25.00 L=39.27

N 61° 31' 34" W 80.00

R=3000.00 L=80.00

L=160.00 L=80.00

152.86 S 28° 28' 26" W

141.44 S 28° 28' 26" W

130.63 S 26° 56' 46" W

122.11 N 25° 25' 05" E

50.51 80.81 84.32 83.80

N 69° 39' 12" W

370.56 197.76

336.18 S 22° 45' 34" W

802.30

302.26 121.21 30.05 348.78

1472.30

410.10 N 17° 06' 51" E SEWER FORCE MAIN EASEMENT (Town of Nantucket - 30.00 Wide Plan file 10-C) S 17° 06' 51" W 384.25

119.81 212.21 S 36° 53' 05" E

436.86

R=50.00 L=49.83 (not tangent)

FAIRGROUNDS ROAD

116.42 S 21° 02' 07" W

SOUTH SHORE ROAD (Public 66.00 wide County layout 1-7-82)

n/f P. Douglas Strauss - Malcolm Lot 4 Plan 23-81

n/f Barbara H. Malcolm Lot 5 Plan 23-81

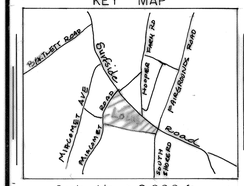
N E W

COMMONWEALTH OF MASSACHUSETTS CHARLES W HART No. 32480 REGISTERED PROFESSIONAL LAND SURVEYOR

Charles W. Hart 3-14-94

171880 MAKEPEACE

KEY MAP



Scale 1 in. = 2,000 ft.

Tax map 67, parcel 82
Zone . . . LUG-2
Minimum lot size . . . 80,000 sf.
Minimum frontage . . . 150 ft.
Frontyard setback . . . 35 ft.
Sideline setback . . . 15 ft.
Ground cover ratio . . . 4 %

APPROVAL UNDER THE SUBDIVISION CONTROL LAW BY THE BOARD OF APPEALS FOR THE NANTUCKET PLANNING BOARD, ACTING PURSUANT TO POWERS GRANTED BY M.G.L. CHAPTER 41, § 81-R. THIS PLAN IS SUBJECT TO CONDITIONS SET FORTH IN A STIPULATION APPROVED BY THE HOUSING APPEALS COMMITTEE DATED MAY 6, 1994.

Lynda F. Williams
Peter C. Temple
Barbara Bates Zoning Bd of Appeals
Joel Lima

Date _____ file _____

Lots 1-16 do not contain areas subject to protection under the Mass. Wetlands Protection Act which are required to be excluded under the Nantucket Zoning By law but still may be subject to protection under state and local wetlands by laws. Determination of applicability may be obtained through application to the Conservation Commission.

I certify that the preparation of this plan conforms with the rules and regulations of the Registers of Deeds as adopted January 1, 1976.

Date 3-14-94

Charles W. Hart
Professional Land Surveyor

CHARLES W. HART & ASSOC., INC.
PROFESSIONAL LAND SURVEYORS
SANFORD BOAT BUILDING
49 SPARKS AVENUE
NANTUCKET, MASS. 02554
(508) 228-8910

PLAN OF LAND IN Nantucket Island, Mass.

AS PREPARED FOR

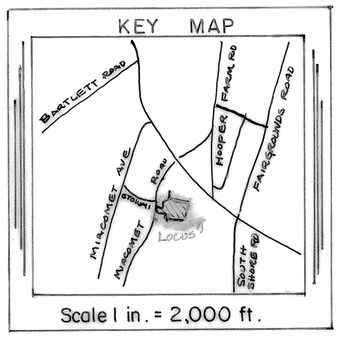
NANTUCKET HOUSING AUTHORITY

Rev. 4-8-94

SCALE: 1" = 60'

0' 60 120 180

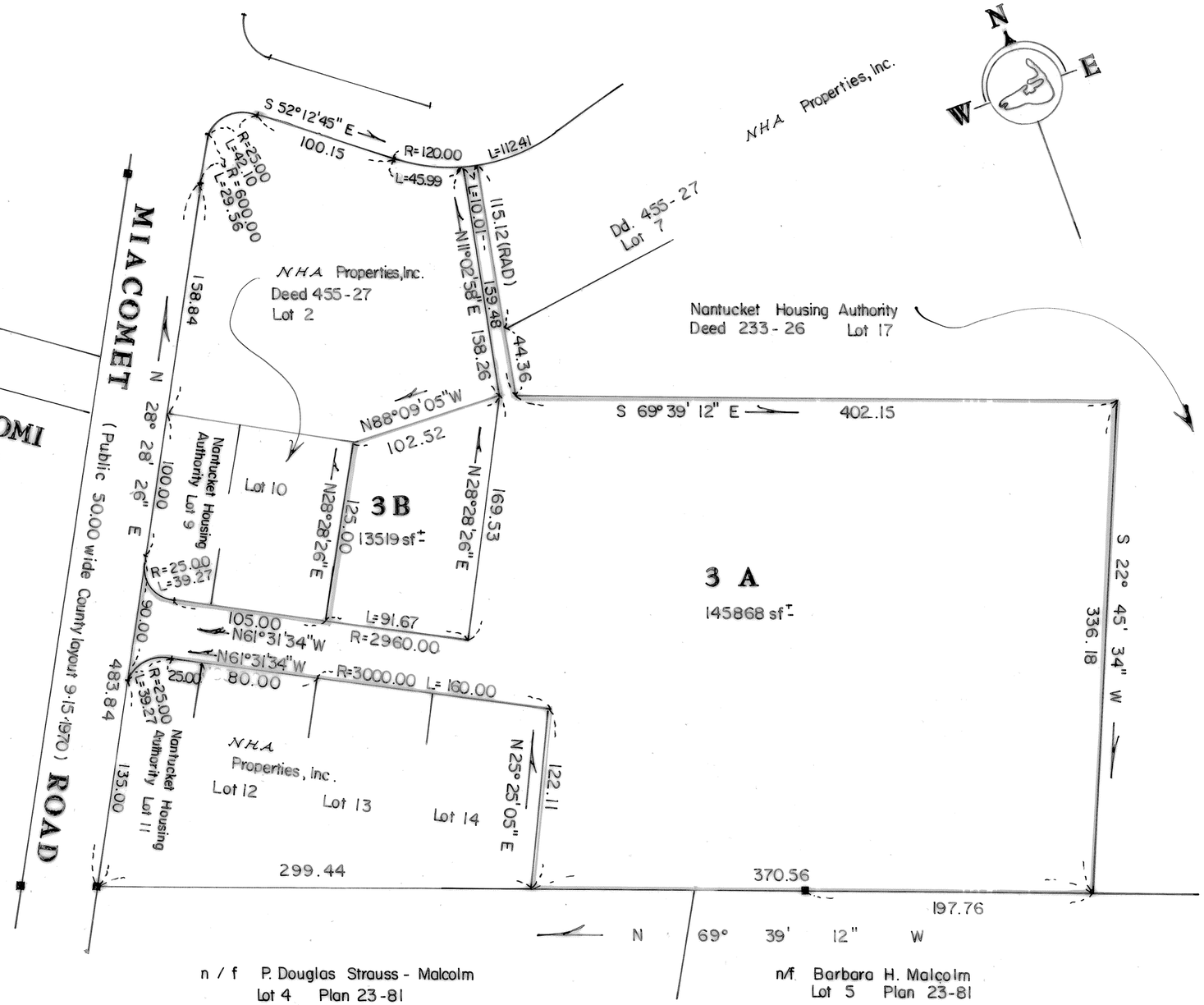
DATE: Mar. 14, 1994	SHEET
DRAWN: D.E.N.	1
CHECKED: C.W.H.	
FIELD BOOK: 145	
JOB NO. H-3998	OF 2



Tax map 67, parcel 501
Zone . . . LUG-2
Minimum lot size . . .80,000 sf.
Minimum frontage . . . 150 ft.
Frontyard setback . . . 35 ft.
Sideline setback . . . 15 ft.
Ground cover ratio . . . 4 %

LEGEND

■ Denotes concrete bound found.



Approval under the Subdivision Control Law by the Board of Appeals for the Nantucket Planning Board, acting pursuant to power granted by M.G.L. Chapter 40B, Section 21. This plan is subject to conditions set forth in a stipulation approved by the Housing Appeals Committee dated May 6, 1994.

Date March 21, 1997 file ____

Lots 3A and 3B do not contain areas subject to protection under the Mass. Wetlands Protection Act which are required to be excluded under the Nantucket Zoning By-Law but still may be subject to protection under state and local wetlands by-laws. Determination of applicability may be obtained through application to the Conservation Commission.

I certify that the preparation of this plan conforms with the rules and regulations of the Registers of Deeds as adopted January 1, 1976.

Date 1-20-97

Charles W. Hart

Professional Land Surveyor

NANTUCKET REGISTRY OF DEEDS
Date March 21, 1997
Time 3:45 PM
Plan BK____ PG____
Plan File 50-F
Sandra M. Chadwick
Attest: Register

COMMONWEALTH OF MASSACHUSETTS
CHARLES W. HART
No. 32489
REGISTERED PROFESSIONAL SURVEYOR

Attest: Charles W. Hart 1-20-97

PLAN OF LAND IN NANTUCKET, MA.

Being a redivision of Lot 3 as shown in Plan file 44-Y

AS PREPARED FOR

NANTUCKET HOUSING AUTHORITY

CHARLES W. HART & ASSOC., INC.
PROFESSIONAL LAND SURVEYORS
SANFORD BOAT BUILDING
49 SPARKS AVENUE
NANTUCKET, MASS. 02554
(508) 228-8910

SCALE: 1" = 60'
0' 10 30 60 120 feet

DATE: January 20, 1997	SHEET 1
DRAWN: D.E.M.	
CHECKED: C.W.H.	
FIELD BOOK: H5	
JOB NO.: H-3998-1	OF 1

087912

MAKEPEACE

POSITION EDGE OF PRINT ON THIS LINE

GRAPHIC SCALE
40 0 20 40 80
SCALE: 1"=40'

N

BENJAMIN DRIVE
40' WIDE
PRIVATE WAY

L=10.01
R=120.00

n/f NHA PROPERTIES

n/f NHA PROPERTIES

S 61°31'34" E
50.00'
80.00'

S 88°09'05" E
102.52'

N11°02'58"E
158.26'

S11°02'58"W
159.48'

MIACOMET ROAD
50' WIDE PUBLIC WAY

LOT 9

LOT 10

LOT 3B

n/f NHA PROPERTIES

100.00' N28°28'26"E

N 28°28'26" E
45.00'

R=25.00'
L=39.27'

45.00'

25.00

80.00'
N 61°31'34" W

169.53'
N28°28'26"E

S 69°39'12" E
402.15'

n/f NANTUCKET HOUSING AUTHORITY

LOT 3A
PLAN FILE 50-F
ASSR'S MAP 67, PCL 501
145,868 S.F.±

130.00'
N61°31'34"W

L=39.27'
R=25.00

25.00

N 61°31'34" W
80.00'

20.0
40.0

L=91.67'
R=2960.00'

L=158.93'
R=2980.00'

AREA OF EASEMENT = 26,984 S.F.±

NORQUARTA DRIVE

L=80.00'
R=3000.00'

L=80.00'
R=3000.00'

EXISTING 2 STORY W/F BUILDING

EXST'G 2 STY. W/F BUILDING

EXISTING 2 STORY W/F BUILDING

EXISTING 2 STORY W/F BUILDING

PAVED

EXISTING

SURFACE

N 28°28'26" E
135.00'

CONCRETE
BOUND FOUND

LOT 11

LOT 12

n/f NHA PROPERTIES

EXISTING
PAVED
SURFACE

L=64.23'
R=185.00'

L=100.00'
R=1000.00'

L=122.90'
R=300.00'

20.0
40.0

R=100.00'
L=61.04'

30.80'
S67°14'26"E

151.49'

LOT 13

299.44'
S69°39'12"E

N 25°25'05" E
122.11'

LOT 14

EXISTING
2 STORY
W/F BUILDING

EXISTING
2 STORY
W/F BLDG

EXISTING 2 STORY
W/F BUILDING

S 22°45'34" W 336.18'

n/f NANTUCKET HOUSING AUTHORITY

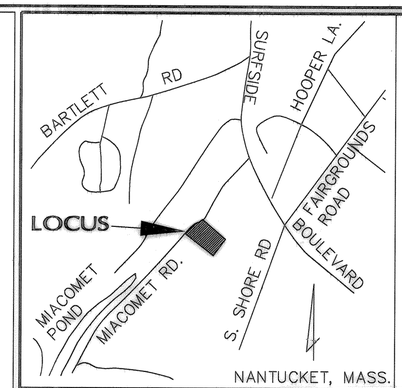
n/f P. DOUGLAS STRAUSS- MALCOLM

172.81'
S69°39'12"E

CONCRETE
BOUND FOUND

197.75'
S69°39'12"E

n/f BARBARA H. MALCOLM



VICINITY MAP

FOR REGISTRY USE

NANTUCKET REGISTRY OF DEEDS
Date MAY 1, 1997
Time 3:40 PM
Plan BK ____ PG ____
Plan File 50-N
Attest: Sandra M. Chadwick
Register

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THAT THE LINES OF THE STREETS AND WAYS SHOWN HEREON ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

DATE: 5-1-97 P.L.S.: Donald T. Poole

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE REGISTRY OF DEEDS REGULATIONS EFFECTIVE JANUARY, 1976

DATE: 5-1-97 P.L.S.: Donald T. Poole

DONALD T. POOLE #32662

COASTAL ENGINEERING CO., INC.
PROFESSIONAL ENGINEERS & LAND SURVEYORS
260 Cranberry Hwy., Orleans, MA 02653
TEL.: 508-255-6511 FAX: 508-255-6700

PLAN of LAND
in
NANTUCKET, MASS.
showing an
EASEMENT
OVER LOT 3A as shown on PLAN FILE 50-F
prepared for the
NANTUCKET HOUSING AUTHORITY
SCALE: 1"=40'

© COPYRIGHT COASTAL ENGINEERING CO. INC. 1997 C13175

2014 00000000033
Bk: Pg: 0 Page: 0
Doc: PLAN 08/19/2014 02:18 PM

CURRENT ZONING CLASSIFICATION:
Limited Use General 2 (L.U.G.-2)

MINIMUM LOT SIZE: 80,000 S.F.
MINIMUM FRONTAGE: 150 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 15 FT.
GROUND COVER %: 4%

OWNER INFORMATION

NANTUCKET HOUSING AUTHORITY
DEED BK. 233, PG. 26
PLAN FILE 44-Y, LOT 15
ASSESSOR'S MAP 67, PARCEL 513
MIACOMET VILLAGE

CURVE TABLE

CURVE	RADIUS	LENGTH
C1	10.00	15.47'
C2	20.00	31.42'
C3	95.00	1.38'
C4	95.00	25.97'
C5	95.00	36.29'
C6	130.00	90.49'
C7	130.00	26.62'
C8	10.00	14.30'
C9	20.00	16.32'
C10	71.00	17.72'
C11	71.00	38.28'
C12	71.00	37.95'
C13	71.00	54.90'
C14	20.00	2.61'
C15	20.00	13.69'
C16	20.00	16.30'
C17	335.00	36.55'
C18	335.00	18.42'
C19	335.00	54.97'
C20	365.00	59.89'
C21	365.00	29.06'
C22	365.00	30.83'
C23	335.00	47.22'
C24	335.00	23.15'
C25	335.00	24.07'
C26	10.00	15.50'
C27	485.00	21.37'
C28	10.00	15.71'
C29	65.00	14.09'
C30	65.00	29.46'
C31	10.00	15.71'
C32	140.00	23.72'

LEGEND

- DENOTES EXIST. TRANSFORMER
- EM DENOTES EXIST. ELECTRIC METER
- CATV DENOTES EXIST. CATV PEDESTAL
- WT DENOTES EXIST. WIRE TERMINAL
- PED DENOTES EXIST. UTILITY PEDESTAL
- UP#7/31 DENOTES EXIST. UTILITY POLE
- DENOTES EXIST. WATER METER
- DENOTES EXIST. WATER VALVE
- DENOTES EXIST. WATER SHUT OFF
- F DENOTES EXIST. WATER FOUNTAIN
- DENOTES EXIST. HYDRANT
- DENOTES EXIST. CATCH BASIN
- MB DENOTES EXIST. RESIDENTIAL MAIL BOX
- DENOTES EXIST. YARD LIGHT
- DENOTES EXIST. SEWER MANHOLE
- B.A. DENOTES PROPOSED BUFFER AREA
- DENOTES CONCRETE BOUND WITH DRILLHOLE TO BE SET
- DENOTES REBAR WITH CAP TO BE SET

GRAPHIC SCALE
40 0 20 40 80 160
(IN FEET)
1 inch = 40 ft.

T:\LEO 25 JOB 31
V:\DRAWFILES\B7303\AR.dwg 8/8/2012 12:36:52 PM EDT

67-82.1
N/F
TOWN OF NANTUCKET
DEED BK. 365, PG. 87
PLAN BK. 25, PG. 66
MIACOMET INDIAN
BURIAL GROUND

67-344
N/F
T. MITCHELL WILLEY
CERT. #21878
L.C.C. 37210-E
LOT 20

67-191
N/F
JOHN P. McMANUS, JR.
PAMELA McMANUS
CERT. #13748
L.C.C. 37210-C
LOT 14

67-190
N/F
JASON D. HARMAN
NATASHA WILLAUER HARMAN
CERT. #20739
L.C.C. 37210-G
LOT 23

67-190.1
N/F
ANTHONY N. TOMASIELLO, JR.
JANET L. AMORELLO
CERT. #22312
L.C.C. 37210-G
LOT 24

67-189
N/F
GLENN L. FIELD
CERT. #14878
L.C.C. 34507-B
LOT 8

67-188
N/F
NANCY S. WOLFE
REVOCABLE TRUST
CERT. #23441
L.C.C. 34507-B
LOT 9

67-187
N/F
NANCY S. WOLFE
REVOCABLE TRUST
CERT. #23441
L.C.C. 34507-B
LOT 10

67-515
N/F
NANTUCKET HOUSING AUTHORITY
DEED BK. 233, PG. 26

67-501
N/F
NANTUCKET HOUSING AUTHORITY
DEED BK. 233, PG. 26

67-336
N/F
BARBARA H. MALCOLM REALTY TRUST
DEED BK. 433, PG. 207
PLAN BK. 25, PG. 50
LOT 4

67-81
N/F
KELLY J. DAVIS
DEED BK. 375, PG. 21
PLAN FILE 11-A
LOT 1

LOT 43
NHESP CONSERVATION
RESTRICTION AREA
47,295 S.F.±

LOT 44
(OPEN SPACE)
4,392 S.F.±

LOT 45
(OPEN SPACE)
5,176 S.F.±
B.A.=3,872 S.F.±

LOT 42
(OPEN SPACE)
13,783 S.F.±
B.A.=1,928 S.F.±

LOT 41
(OPEN SPACE)
7,519 S.F.±
B.A.=2,348 S.F.±

LOT 47
(OPEN SPACE)
12,689 S.F.±
BUFFER AREA
6,735 =S.F.±

LOT 48
(ROADWAY)
54,711 S.F.±

LOT 1 6,479 S.F.±
LOT 2 6,940 S.F.±
B.A.=1,020 S.F.±
LOT 3 5,534 S.F.±
LOT 4 5,404 S.F.± B.A.=2,068 S.F.±
LOT 5 5,512 S.F.±
LOT 6 6,166 S.F.±
LOT 7 6,166 S.F.±
LOT 8 6,216 S.F.± B.A.=2,066 S.F.±
LOT 9 7,399 S.F.± B.A.=2,174 S.F.±
LOT 10 4,860 S.F.±
LOT 11 6,579 S.F.±
LOT 12 8,593 S.F.± B.A.=554 S.F.±
LOT 13 7,572 S.F.± B.A.= 3,306 S.F.±
LOT 14 5,281 S.F.±
LOT 15 5,835 S.F.± B.A.= 1,661 S.F.±
LOT 16 5,566 S.F.±
LOT 17 6,011 S.F.±
LOT 18 5,568 S.F.±
LOT 19 5,372 S.F.±
LOT 20 5,567 S.F.±
LOT 21 7,190 S.F.± B.A.=501 S.F.±
LOT 22 5,955 S.F.±
LOT 23 6,281 S.F.± B.A.= 2,010 S.F.±
LOT 24 5,927 S.F.± B.A.= 1,911 S.F.±
LOT 25 5,794 S.F.± B.A.= 1,595 S.F.±
LOT 26 6,219 S.F.± B.A.= 592 S.F.±
LOT 27 6,508 S.F.±
LOT 28 5,274 S.F.±
LOT 29 5,397 S.F.±
LOT 30 6,137 S.F.± B.A.= 1,996 S.F.±
LOT 31 6,160 S.F.± B.A.= 1,825 S.F.±
LOT 32 6,538 S.F.±
LOT 33 7,049 S.F.± B.A.= 2,012 S.F.±
LOT 34 8,563 S.F.± B.A.= 1,061 S.F.±
LOT 35 7,552 S.F.± B.A.= 2,241 S.F.±
LOT 36 5,902 S.F.±
LOT 37 7,720 S.F.± B.A.=1,756 S.F.±
LOT 38 5,343 S.F.±
LOT 39 5,585 S.F.±
LOT 40 7,543 S.F.±

BENJAMIN DRIVE
NORQUARTA DRIVE
SURFSIDE (PUBLIC - VARIABLE WIDTH)
HOOPER FARM ROAD
(1973 COUNTY LAYOUT) ROAD
PROPOSED 30' RIGHT-OF-WAY
FAIRGROUNDS ROAD
SOUTH (PUBLIC 66' WIDE) SHORE ROAD (1962 CO LAYOUT)

EXIST. EDGE OF PAVEMENT (21.5' WIDE)
EXIST. PAVED BIKE PATH
EXIST. EDGE OF PAVEMENT
EXIST. PAVEMENT
EXIST. PAVED BIKE PATH

PROPOSED RELOCATED 40' WIDE UTILITY EASEMENT
EASEMENT – 40' WIDE PLAN FILE 50-N
PROPOSED 20' WIDE DRAINAGE EASEMENT
PROPOSED DRAINAGE EASEMENT
PROPOSED 20' WIDE EASEMENT
SEWER FORCE MAIN EASEMENT 30' WIDE, PLAN FILE 10-C)
(TOWN OF NANTUCKET)

25' BUFFER TO REMAIN UNDISTURBED
172.48'
BUFFER TO REMAIN UNDISTURBED
UNDISTURBED
BUFFER WIDTH VARIES
50' BUFFER TO REMAIN

67-74.56'
67-90.09'
67-117.41'
67-63.64'
67-95.00
67-65.00
67-130.00
67-140.00

DISPOSITION OF LOTS

LOTS 1 THROUGH 40 ARE BUILDABLE LOTS.

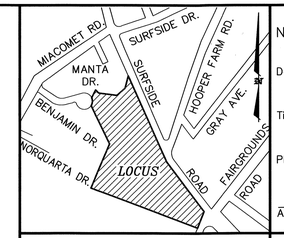
LOTS 41, 42 AND 44 THROUGH 47 WILL BE CONVEYED TO THE ASSOCIATION AS OPEN SPACE.

LOT 43 WILL BE CONVEYED TO THE ASSOCIATION AS A NHESP CONSERVATION RESTRICTION AREA.

LOT 48 WILL BE CONVEYED TO THE ASSOCIATION FOR ROADWAY PURPOSES.

NOTE

EASEMENTS REQUIRED FOR UTILITY CONNECTIONS SUCH AS ELECTRICITY, WATER, TELEPHONE, AND CABLE WILL BE SECURED FOR THE RESPECTIVE LOTS AND THE SUBDIVISION GENERALLY IN COORDINATION AND REVIEW WITH THE RESPECTIVE UTILITY PROVIDERS.



LOCUS MAP SCALE: 1" = 500' ±

NANTUCKET REGISTRY OF DEEDS
Date: 08/19/2014
Time: 2:18 pm
Plan No.: 2014-68
Attest: Register

RESERVED FOR REGISTRY USE

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

PROFESSIONAL LAND SURVEYOR 8-8-2012 DATE

COMMONWEALTH OF MASSACHUSETTS JEFFREY J. BLACKWELL No. 38388 REGISTERED PROFESSIONAL LAND SURVEYOR

THIS PLAN HAS BEEN APPROVED PURSUANT TO A COMPREHENSIVE PERMIT ISSUED BY THE NANTUCKET ZONING BOARD OF APPEALS PURSUANT TO M.G.L. 20-23, BY DECISION IN FILE No. 076-11.

TOWN CLERK, NANTUCKET, MA 7-7-14 DATE

Zoning Board of Appeals

FILE NO. 076-11 DATE: 9/13/12

Revisions				
Rev.	Date	By	Plan Description	
1	7/31/12	JLB	Revised Plan Layout	

Plan Scale: 1"=40'
Plan Date: JULY 31, 2012

Plan Set: SACHEM PATH NANTUCKET, MASSACHUSETTS PERMITTING PLANS

Plan Title: DEFINITIVE SUBDIVISION PLAN

Prepared For: HOUSING ASSISTANCE CORPORATION
460 WEST MAIN STREET
HYANNIS, MA 02601
Phone: (508) 771-5400
Fax: (508) 775-7434

Survey Provided By: BLACKWELL & ASSOCIATES, INC.
20 TEASDALE CIRCLE
NANTUCKET, MA 02554
Phone: (508) 228-8026
Fax: (508) 228-5292

Checked By: JLB
Drawn By: PRO
Date: July 31, 2012
Registration:

Project Number: 10088
Sheet: 1 of 1
Sheet Number: SDP-1

CURRENT ZONING CLASSIFICATION:
Limited Use General 2 (L.U.G.–2)

MINIMUM LOT SIZE: 80,000 S.F.
MINIMUM FRONTAGE: 150 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 15 FT.
GROUND COVER %: 4%

SACHEM'S PATH NANTUCKET, LLC
Deed Bk./Pg.: 1446/66
Plan No. 2014–68

AMENDED AND RESTATED COMPREHENSIVE PERMIT:
Deed Bk./Pg.: 1492/213

LEGEND

- DENOTES EXIST. TRANSFORMER
- EHH DENOTES EXIST. ELECTRIC HAND HOLE
- TP DENOTES EXIST. TELECOMUNICATIONS PEDESTAL
- SLHH DENOTES EXIST. STREET LIGHT HAND HOLE
- DENOTES EXIST. STREET LIGHT
- DENOTES EXIST. WATER METER
- DENOTES EXIST. HYDRANT
- CBS DENOTES EXIST. SQUARE CATCH BASIN
- CBR DENOTES EXIST. ROUND CATCH BASIN (BEEHIVE)
- (D) DENOTES EXIST. DRAIN MAN HOLE
- (S) DENOTES EXIST. SEWER MANHOLE
- MB DENOTES EXIST. RESIDENTIAL MAIL BOX
- SRF DENOTES EXIST. SPLIT RAIL FENCE
- C.O. DENOTES EXIST. CLEAN OUT
- DENOTES EXIST. LANDSCAPE TREE

"I HEREBY CERTIFY THAT THE PLANS AND CROSS SECTIONS INCLUDED HEREIN WERE PREPARED AS THE RESULT OF SURVEY WORK PERFORMED ON THE GROUND AND REPRESENT CONDITIONS IN THE FIELD AS THEY EXISTED ON 07/12/18."

PROFESSIONAL LAND SURVEYOR — 7-12-18 DATE

COMMONWEALTH OF MASSACHUSETTS
JEFFREY L. BLACKWELL
No 35388
PROFESSIONAL LAND SURVEYOR

GRAPHIC SCALE
40 0 20 40 80 160
(IN FEET)
1 inch = 40 ft.

T:\LEO 25 JOB 31
V:\DRAWFILES\B8137\Final Infrastructure AB.dwg 7/26/2018 4:12:48 PM EDT

SACHEM PATH
NANTUCKET, MASSACHUSETTS
RECORD PLANS
RECORD INFRASTRUCTURE PLAN

Survey Provided By:
BLACKWELL & ASSOCIATES, INC.
20 TEASDALE CIRCLE
NANTUCKET, MA 02554
Phone: (508) 228-9026
Fax: (508) 228-2292

Checked By: JLB
Drawn By: PBO/CJA

Sheet 2 of 4

B7303
B8137

DEPT.

&

BOARD

COMMENTS

MIACOMET VILLAGE 40B

MODIFICATION OF PRIOR COMPREHENSIVE PERMITS

FILE No. 30-19

OFF BENJAMIN DRIVE

From:	David Gray
To:	Eleanor Antonietti; William Pittman; Steve Murphy; Mark Willett; Andrew Vorce; Leslie Snell
Cc:	Catherine Ancero; Holly Backus
Subject:	RE: Miacomet Village 40B Modification
Date:	Tuesday, November 26, 2019 12:52:27 PM
Attachments:	image002.png image003.png 20191125111020237.pdf

Eleanor if this is for the Habitat Housing I have spoken with Richard Hussey and provided him with a conceptual sewer option as town sewer is available and could be connected to.
Thanks

David C Gray Sr.
Sewer Director
Nantucket Sewer Department
81 S.Shore Rd
Nantucket, MA 02554
Telephone 508.228-7200 EXT 7801
Cell 401-413-8370
dgray@nantucket-ma.gov

From: Eleanor Antonietti
Sent: Tuesday, November 26, 2019 12:43 PM
To: William Pittman <wpittman@police.nantucket-ma.gov>; Steve Murphy <smurphy@fire.nantucket-ma.gov>; David Gray <dgray@nantucket-ma.gov>; Mark Willett <mwillett@nantucket-ma.gov>; Andrew Vorce <AVorce@nantucket-ma.gov>; Leslie Snell <LSnell@nantucket-ma.gov>
Cc: Catherine Ancero <CAncero@nantucket-ma.gov>; Holly Backus <hbackus@nantucket-ma.gov>
Subject: Miacomet Village 40B Modification

Good afternoon.
The **application to Modify prior Comprehensive Permits** for the **Miacomet Village 40B** was submitted to the Zoning Board of Appeals and an initial public hearing was held on Thursday, November 14th. The Board has requested input from the following departments and boards:

- Police Dept.
- Fire Dept.
- Sewer Dept.
- Wannacomet Water
- Planning Board

I have attached the pdf of the 73 page application.

The continued Public Hearing will be held on **Thursday, December 12th at 1pm in the 1st floor Community Room of the PSF at 4 Fairgrounds Road**.
Please review the application prior to the meeting and submit any comments or concerns, preferably no later than Friday, December 6th or in person at the December 12th hearing. If you are unable to do so, please let me know when you will be able to submit your review feedback.
Thank you and HAPPY THANKSGIVING!

Eleanor W. Antonietti
Zoning Administrator
Land Use Specialist

Planning and Land Use Services (PLUS)
Nantucket Planning Office
2 Fairgrounds Road
Nantucket, MA 02554
telephone 508.325.PLUS(7587) ext. 7010
facsimile 508.228.7298

eantonietti@nantucket-ma.gov

www.nantucket-ma.gov

-7

David Grall
NSD
Suggestion
11/25/19

BENJAMIN DRIVE

EXIST. SMH
RIM= 35.29
INV= 25.88

EDGE OF PAVEMENT

CBS

EASEMENT AREA OVER
#7 BENJAMIN DRIVE
867± S.F.

R= 50.
L= 12.

67–506
N/F
NHA PROPERTIES INC.
Deed Bk./Pg.: 455/27
Plan File 44–Y, LOT 8
#7 BENJAMIN DRIVE

THH

EHH

PAVED DRIVEWAY

EXIST. SMH
RIM= 33.22
INV= 25.16

PAVED DRIVEWAY

1 STY W.F. DWELLING
#7 BENJAMIN DRIVE

PROPOSED
15' ACCESS
EASEMENT

1 STY W.F. DWELLING
#5 BENJAMIN DRIVE

EXIST. SHED
120± S.F.

111.80'

RELOCATE
SHED

63.37'

8" PVC TO MH

67–505
N/F
NHA PROPERTIES INC.
Deed Bk./Pg.: 455/27
Plan File 44–Y, LOT 7
#5 BENJAMIN DRIVE

NEW SMH

PROPOSED
GRAVEL
DRIVEWAY

6" PVC main

122.10'

146.13'

8" PVC

9'x 20'
PARKING
SPACES

7–500
N/F
OUSING AUTHORITY
/Pg.: 233/26
44–Y, LOT 2
JAMIN DRIVE

15.00'

113.67'

6" PVC

CO.

CONCEPT LOT 3
9,946± S.F.
R.F. 0.87

CONCEPT
STRUCTURE
1300 S.F.
(G.C. 13.1% ±)

③ ② ① ⑥ ⑤ ④

NEW SMH

44.36'

121.17'

20.00'

20.00'

20.00'

From: Mark Willett
To: Eleanor Antonietti
Subject: RE: Miacomet Village 40B Modification
Date: Tuesday, November 26, 2019 1:37:07 PM
Attachments: image001.png

Water Co has no issues with it. There is a water main on Benjamin. They would have to make a couple service taps and run service lines up the driveway and into the stand alone house and the Duplex. Nothing out of the ordinary for us.

Thanks Eleanor

Mark
Wannacomet Water

From: Eleanor Antonietti
Sent: Tuesday, November 26, 2019 12:43 PM
To: William Pittman <wpittman@police.nantucket-ma.gov>; Steve Murphy <smurphy@fire.nantucket-ma.gov>; David Gray <dgray@nantucket-ma.gov>; Mark Willett <mwillett@nantucket-ma.gov>; Andrew Vorce <AVorce@nantucket-ma.gov>; Leslie Snell <LSnell@nantucket-ma.gov>
Cc: Catherine Ancero <CAncero@nantucket-ma.gov>; Holly Backus <hbackus@nantucket-ma.gov>
Subject: Miacomet Village 40B Modification

Good afternoon.
The **application to Modify prior Comprehensive Permits** for the **Miacomet Village 40B** was submitted to the Zoning Board of Appeals and an initial public hearing was held on Thursday, November 14th. The Board has requested input from the following departments and boards:

- Police Dept.
- Fire Dept.
- Sewer Dept.
- Wannacomet Water
- Planning Board

I have attached the pdf of the 73 page application.

The continued Public Hearing will be held on **Thursday, December 12th at 1pm in the 1st floor Community Room of the PSF at 4 Fairgrounds Road**.
Please review the application prior to the meeting and submit any comments or concerns, preferably no later than Friday, December 6th or in person at the December 12th hearing. If you are unable to do so, please let me know when you will be able to submit your review feedback.
Thank you and HAPPY THANKSGIVING!

NANTUCKET FIRE DEPARTMENT
131 Pleasant Street
Nantucket, Massachusetts 02554

Susan McCarthy, Chair
Zoning Board of Appeals
2 Fairgrounds Road
Nantucket, MA, 02554

November 26, 2019

Re: Miacomet 40B modification

Madam Chair,

The attached are excerpts from the State Fire Code, 527 CMR 1 Massachusetts Amendments to NFPA 1. All the referenced code are pertinent to the changes/additions to the Miacomet 40B.

The biggest concerns I have is access to the proposed new buildings. Specific points being:

- A long stone roadway with little turning space restrict and limit our access in an emergency.
- Absence of a fire hydrant at the end of the drive would further restrict access if a building fire were to occur. A Fire Engine would have to place a large hose in the drive to obtain water and no other equipment would then be able to access. If this was done with the first Engine, that would be the only piece of emergency apparatus to have access.
- An engineer plan to assure that our equipment could reach the homes. Code requires "an analysis and evaluation of fire apparatus maneuvers throughout the access roads created by swept path analysis and turn simulation software."
- The roadway able to support the Emergency Vehicles
- Care and maintenance of the roadway.
- Minimum turning radius of 25 feet per code.

Addition of a fire hydrant and turning area would also be requested.

I would be open to the reduction of roadway width only with improvement of the surface and Emergency vehicle access or the instillation of Fire Protection Sprinkler systems in the dwellings.

Respectfully,

Stephen A Murphy, Fire Chief

18.1 General Scope. Fire department access and water supplies shall comply with this chapter. The provisions of this chapter shall not apply to any city, or town which has accepted the provisions of M.G.L. c. 41, § 81 *et. seq*. or similar laws which provide local jurisdiction over fire department access and water supply. In the absence of any such laws, fire department access and water supply shall comply with this chapter.

18.1.1.3 This chapter shall apply to new one- or two-family dwellings, not provided with adequate frontage and located behind an existing building that has frontage. For purposes of this section, adequate frontage shall mean at least 20 feet or more abutting a public way.

18.1.1.4 The fire apparatus access road plans must include an analysis and evaluation of fire apparatus maneuvers throughout the access roads created by swept path analysis and turn simulation software.

18.1.1.5 The fire apparatus access plans shall bear the seal and signature of the responsible registered professional engineer.

18.1.3.1 Fire Apparatus Access. Plans, where required, for fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction.

18.2.2.1.1 Approval of access roads shall be subject to the AHJ and capable of supporting the imposed loads of fire apparatus and shall be provided with an all-weather driving surface and shall be maintained as provided.

18.2.2.3 Access Maintenance. The owner or occupant of a structure or area, with required fire department access as specified in Section 18.2.2.1 or 18.2.2.2, shall notify the AHJ when the access is modified.

18.2.3.1.5 When fire department access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades, or other similar conditions, the AHJ shall be permitted to accept alternatives proposed by the owner of the building to allow additional fire protection features, up to and including the installation of an approved fire sprinkler system installed in accordance with the *Building Code,* cistern(s), additional fire hydrant(s), or similar devices or systems.

18.2.3.4.1.1 Fire department access roads shall have an unobstructed width of not less than 20 feet (6.1 m). Fire department access roads constructed in the boulevard-style shall be allowed where each lane is less than 20 feet but not less than tem feet when they do not provide access to a building or structure.

18.2.3.4.2.1 Permeable drivable surfaces, that meet loading of Section 18.2.3.4.2, are allowed when approved by the AHJ. When approved, the permeable surfaces shall be identified by a method acceptable to the AHJ.

18.2.3.4.3.1 The minimum inside turning radius of a fire department access road shall be 25 feet. The AHJ shall have the ability to increase the minimum inside turning radius to accommodate the AHJ's apparatus.

18.2.3.4.4 Dead Ends. Dead-end fire department access roads in excess of 150 ft (46m) shall be provided with approved provisions for the fire apparatus to turn around.

From:	Pittman, William
To:	Eleanor Antonietti
Subject:	RE: Miacomet Village 40B Modification
Date:	Monday, December 02, 2019 10:30:02 AM
Attachments:	image004.png

Eleanor,

The NPD has no concerns about this project.

William J. Pittman
Chief of Police
Nantucket Police Department
4 Fairgrounds Road
Nantucket, MA 02554
Tel: (508) 228-1212
Fax: (508) 228-7246

This electronic message and any files attached hereto contain confidential or privileged information from the Nantucket Police Department. This information is intended to be for the use of individuals or entities to whom it is addressed only. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender by reply e-mail and destroy all copies of this message.

From: Eleanor Antonietti [mailto:eantonietti@nantucket-ma.gov]
Sent: Tuesday, November 26, 2019 12:43 PM
To: Pittman, William <wpittman@police.nantucket-ma.gov>; Murphy, Steve <smurphy@fire.nantucket-ma.gov>; David Gray <dgray@nantucket-ma.gov>; Mark Willett <mwillett@nantucket-ma.gov>; Andrew Vorce <AVorce@nantucket-ma.gov>; Leslie Snell <LSnell@nantucket-ma.gov>
Cc: Catherine Ancero <CAncero@nantucket-ma.gov>; Holly Backus <hbackus@nantucket-ma.gov>
Subject: Miacomet Village 40B Modification

Good afternoon.
The **application to Modify prior Comprehensive Permits** for the **Miacomet Village 40B** was submitted to the Zoning Board of Appeals and an initial public hearing was held on Thursday, November 14th. The Board has requested input from the following departments and boards:

- Police Dept.

PHOTOS

PROVIDED

BY

APPLICANT

2

HOUSING NANTUCKET

75 Old South Road • P.O. Box 3149 • Nantucket, MA 02554 • Tel: 508.228.4422

December 6, 2019

Housing Nantucket supports Habitat for Humanity Nantucket's efforts to create three affordable homeownership units at Benjamin Drive with the following conditions:

- Habitat relocates the shed at 7 Benjamin to a location designated by Housing Nantucket
- Habitat installs approximately 185' of 6' board fence with lattice along the northerly property line of their newly created lots
- Habitat and Housing Nantucket continue to work on a mutually agreeable homeowner's association agreement

In signing this agreement, all parties agree to fulfill these conditions.

Anne Kuszpa
Housing Nantucket

Joe Grause
Habitat for Humanity

Gerard Keneally
Habitat for Humanity

Hi Eleanor,

Here is the signed HN easement copy + letter of support.

John will bring original copy on Thursday.

We are hopefully getting Fire Dept today. We have not heard from the Planning Board.

Thanks for your help.

And Happy Stroll.

See you @ ZBA

Best Gerry K

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

COMMON DRIVEWAY, ACCESS, AND UTILITY EASEMENT AND AGREEMENT

AGREEMENT made this ___ day of _____, 2019 by and between NHA Properties, Inc., d/b/a Housing Nantucket, (hereinafter "HN"), a duly organized Massachusetts nonprofit corporation, having a usual place of business at 75 Old South Road, Nantucket, Massachusetts, 02554 being the owner of land shown as Lot 8 on Plan File No. 44-Y, by virtue of a deed recorded in Book 455, Page 27 at the Nantucket Registry of Deeds and Habitat for Humanity Nantucket, Inc. c/o Swain's Travel, 35 Old South Road, Nantucket, MA 02554, (hereinafter "*Habitat*"), being the owners of Lots _____ on Plan filed with Nantucket Registry of Deeds as Plan No. _____ by virtue of Deed recorded in Book _____, Page _____ at said Registry.

WHEREAS the parties own adjacent properties and access to Habitat's property will cross over the HN land; and,

WHEREAS, the utilities serving the Habitat lots will cross over the HN lot in a location shown as " _____" on the attached Exhibit A; and,

WHEREAS HN wishes to grant Habitat and to their successors and assigns with Quitclaim Covenants the perpetual right and easement to a driveway and access as shown on the attached Exhibit A, as well as the right to install, maintain, and replace underground sewer pipes, electric and cable wires, and water pipes within said easement area.

NOW THEREFORE in consideration of the mutual covenants herein contained, it is agreed as follows:

1. HN wishes to grant Habitat a 14' exclusive driveway and access easement as shown on the Exhibit "A".

2. HN wishes to grant Habitat a _____ foot utility easement as shown on the attached Exhibit A.

3. The driveway, as shown on the attached plan shall be solely maintained and utilized by Habitat and its successors, heirs, and assigns;

4. Habitat shall have the right to use such driveway for all purposes for which driveways are customarily used in the Town and County of Nantucket, but shall not include the right to park in the easement area.

5. HN shall allow Habitat to enter upon the property at reasonable times, to perform any and all work in a workmanlike manner and to maintain use of said easements in a hazardless condition and to hold and save the other harmless and defend against and from any and all costs and claims arising out of each lot owner's respective use of the easement.

6. This agreement shall be recorded at the Nantucket Registry of deeds and, unless further modified by the Parties, shall be binding upon the Parties, their heirs, successors and assigns.

7. This easement shall run with the respective properties and be binding upon and inure to the benefit of the parties hereto together with their heirs, successors and assigns.

SIGNATURE PAGE TO FOLLOW

IN WITNESS WHEREOF the parties have hereunto set their hands and seals this _____ day of _____, 2019

Habitat for Humanity Nantucket, Inc.

By: Gerry Keneally, President

By: John Renwick MA, Treasurer

NHA Properties, Inc.

By: Jennifer Cohen, President

By: Paul Wolf, Jr., Treasurer

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On this 4th day of Dec, 2019, before me, the undersigned notary public, personally appeared Paul Wolf Jr, (a) personally known to me, or (b) ___ proved to me through satisfactory evidence of identification, which was personal knowledge (type of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Official Signature and Seal of Notary Public
My commission expires:

THEODORA STOCKIGT NOTARY PUBLIC COMMONWEALTH OF MASSACHUSETTS My Commission Expires 4/4/2025

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On this 6th day of Dec, 2019, before me, the undersigned notary public, personally appeared Jennifer Cohen, (a) personally known to me, or (b) ___ proved to me through satisfactory evidence of identification, which was personal knowledge (type of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Official Signature and Seal of Notary Public
My commission expires:

Kalina Parusheva NOTARY PUBLIC COMMONWEALTH OF MASSACHUSETTS MY COMMISSION EXPIRES July 3, 2026

THE COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss. _____, 20__

On this _____ day of _____ 20____, before me, the undersigned notary public, personally appeared _____,(a) personally known to me, or (b) ____ proved to me through satisfactory evidence of identification, which was _____ (type of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

_____
Official Signature and Seal of Notary Public
My commission expires

THE COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss. _____, 20__

On this _____ day of _____ 20____, before me, the undersigned notary public, personally appeared _____,(a) personally known to me, or (b) ____ proved to me through satisfactory evidence of identification, which was _____ (type of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

_____
Official Signature and Seal of Notary Public
My commission expires

Jayne C. & Brian F.
DEBIASIO

39 MEADOW VIEW DR.

FILE NO. 06-21

MODIFICATION TO SPECIAL PERMIT

CONTINUED
TO JULY 8, 2021

Print Form

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

2021 MAY 13 PM 3:30
NANTUCKET TOWN CLERK

File No. 06 - 21 Map 56 Parcel 133

This agreement to extend the time limit for the Board of Appeals to make a decision, hold a public hearing, or to take other action concerning the application of:

Jayne C. & Brian F. DeBIASIO - 39 Meadow View Dr. - Modification

Pursuant to the provisions of the Acts of 1987, Chapter 498, amending the State Zoning Act, Chapter 40A of the Massachusetts General Laws, Applicant(s)/Petitioner(s) and the Zoning Board of Appeals hereby agree to extend the time limit

- ○ For a public hearing on the application
- ● For a written decision
- ○ For other action _____

Such application is:

- ○ An appeal from the decision of any administrative official
- ○ A petition for a special permit
- ○ A petition for a variance
- ○ An extension
- ● A modification

The new time limit shall be midnight on August 12, 2021, which is not earlier than a time limit set by statute or bylaw.

The Applicant (s), attorney, or agent for the Applicant represented to be duly authorized to act in this matter for the applicant, in executing this agreement waives any rights under the Nantucket Zoning Bylaw and the State Zoning Act, as amended, to the extent, but only to the extent, inconsistent with this agreement.

Arthur I. Reade, Attorney
For Applicant (s)

Eleanor W. Antonietti
For Zoning Board of Appeals

May 13, 2021
Effective Date of Agreement

Town Clerk Stamp:

2 Fairgrounds Road Nantucket Massachusetts 02554
508-228-7215 telephone 508-228-7298 facsimile

NEW

BUSINESS

BRIAN RICE
&
ROBERT GOLDRICH

41 CROOKED LN.

FILE NO. 10-21

VARIANCE

NANTUCKET TOWN CLERK
2021 MAY 11 AM 11:52

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

RECEIVED FOR
CHK#5749
MAY 11 2021
$450 CA
BUILDING REVIEW

Zoning Board of Appeals
MAY 11 2021
RECEIVED

APPLICATION

Fee: $450.00 **File No. 10-21**

Owner's name(s): Brian Rice and Robert Goldrich

Mailing address: c/o Cohen & Cohen Law PC, 34 Main Street, Nantucket MA 02554

Phone Number: 508-228-0337 E-Mail: Steven@CohenLegal.net

Applicant's name(s) SAME

Mailing Address: _____

Phone Number:_____ E-Mail:_____

Locus Address: 41 Crooked Lane Assessor's Map/Parcel: 41-202

Land Court Plan: LOT 2 PL 32312-B & LOT 6 PL 32313-C.

Deed Reference/Certificate of Title: COT 20897

Zoning District R-20

Uses on Lot- Commercial: None__x_ Yes (describe) _____
Residential: Number of dwellings__2_____ Duplex _____ Apartments _____
Date of Structure(s): all pre-date 7/72 yes 1900 or _____
Building Permit Numbers: _____
Previous Zoning Board Application Numbers:___54-12_____

State below or attach a separate addendum of specific special permits or variance relief applying for: See attached.

I certify that the information contained herein is substantially complete and true to the best of my knowledge, under the pains and penalties of perjury.

SIGNATURE:_____ Owner*

SIGNATURE: Applicant/Attorney/Agent*

*If an Agent is representing the Owner or the Applicant, please provide a signed proof of agency.

OFFICE USE ONLY

Application received on:__/__/__ By:_____ Complete:____ Need Copies:_____
Filed with Town Clerk:_/_/_ Planning Board:_/_/_ Building Dept.:_/_/_ By:___
Fee deposited with Town Treasurer:_/_/_ By:___ Waiver requested:____
Granted:__/__/__ Hearing notice posted with Town Clerk:_/_/__ Mailed:__/__/__
I&M__/__/__ &__/__/__ Hearing(s) held on:__/__/__ Opened on :__/__/__
Continued to:__/__/__ Withdrawn:__/__/__ Decision Due By:__/__/__
Made:__/__/__ Filed w/Town Clerk:__/__/__ Mailed:__/__/__

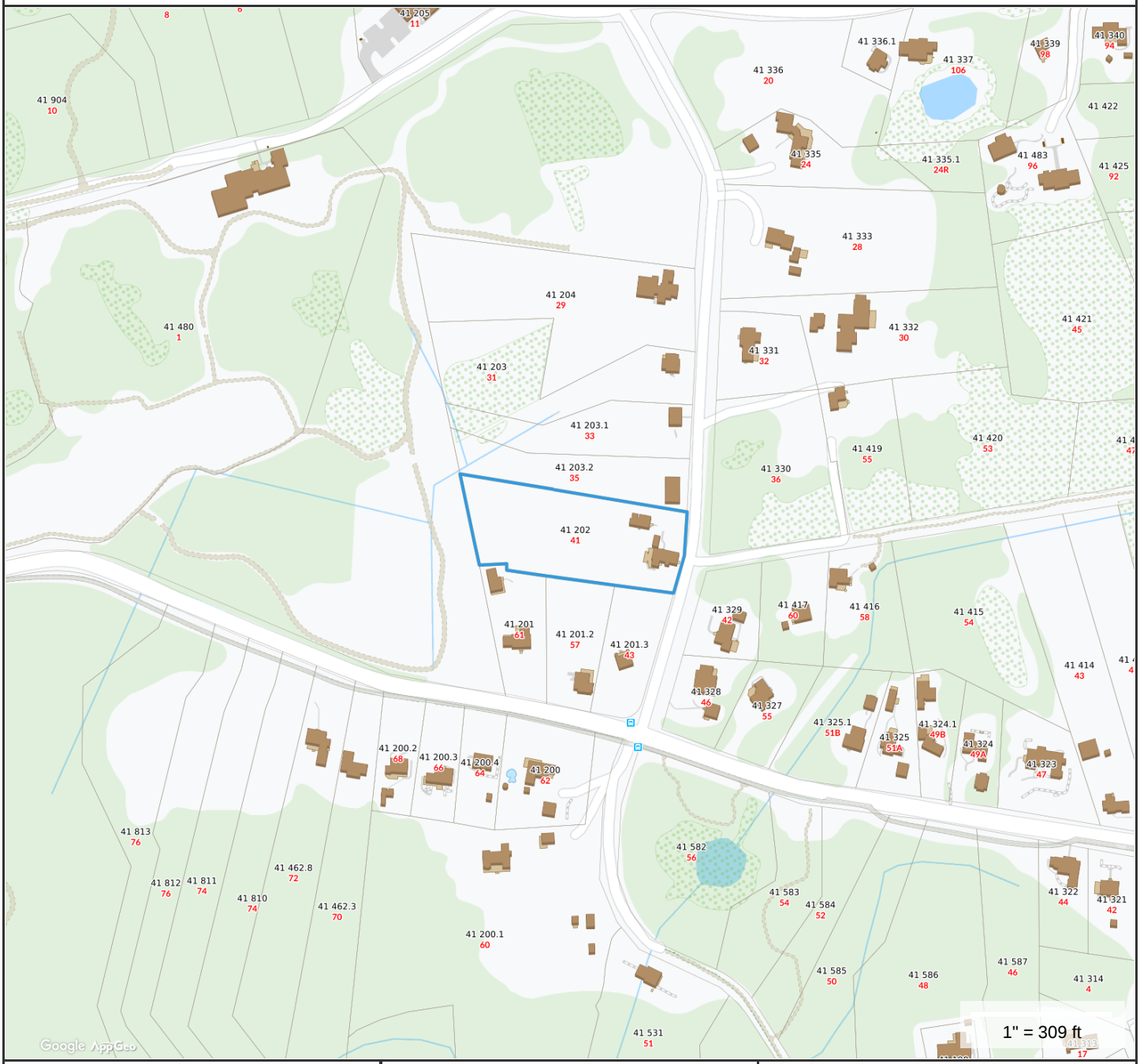
41 Crooked Lane is an oversized lot of 76,964 SF where 20,000 SF of lot area is required in the R-20 District. The Property contains a primary dwelling from 1900 of 1,687 SF with a 214 SF garage and an 812 SF cottage. The main dwelling is as close as 3.6' to the front lot line where the front yard setback is 30' and was granted a Special Permit in 2012 to allow an expansion of the dwelling as close as 15.78' to the front yard lot line. This nonconformities otherwise predate the adoption of the Nantucket Zoning Bylaw and the lot is otherwise dimensionally conforming.

The locus contains a substantial wetland. Although that locus is nearly four-times the required size for the zone, only about 3,000 SF of the locus is outside of the zoning setbacks and wetland 50' buffer zone, and much of that either contains the existing house or is a thin strip.

The applicant proposes to add a 585 SF addition to the main house, which does not require relief, and to add a 384 SF detached garage in the driveway, which does. The Conservation Commission denied a request to place the garage within the 50' wetland buffer zone. Therefore, there is no location for the garage that is outside of the 50' buffer but also outside of the front yard setback, which are very close to each other. The proposed garage is in the existing driveway and is as close as 18' to the front yard lot line where 30' is required, which is a proposed 12' encroachment, which is 14.4' further back from the front yard lot line than the 1900's house. The proposed garage has been approved by the HDC and Conservation Commission.

The Applicant requests Variance Relief under 139-32.A to allow this garage to be within that front yard setback. The new encroachment is approvable based on the soil conditions and shape of the land, and the location of the historic structure. A literal enforcement of the zoning code would impose a substantial hardship on an applicant with such an oversized lot, and the desired relief does not pose a substantial detriment to the public good or nullify or substantially derogate the intent or purpose of the bylaw.

Locus Map



Property Information

Property ID	41 202
Location	41 CROOKED LN
Owner	RICE BRIAN & GOLDRICH ROBERT

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/13/2018
Data updated 11/19/2018

CURRENT ZONING CLASSIFICATION:
Residential 20 (R–20)

		Existing:	Proposed:
MINIMUM LOT SIZE:	20,000 S.F.	76,964 .S.F.±	76,964 S.F.±
MINIMUM FRONTAGE:	75 FT.	SEE PLAN	SEE PLAN
FRONT YARD SETBACK:	30 FT.	SEE PLAN	SEE PLAN
REAR/SIDE SETBACK:	10 FT.	SEE PLAN	SEE PLAN
GROUND COVER % :	12.5%	3.5%± (2,713 S.F.±)	3.8%± (2,883 S.F.±)

472.49'

41–203.2
N/F
DIANE HERLINGER

VEGETATED WETLAND BOUNDARY PER ORDER OF CONDITIONS SE48–3265, ISSUED JAN. 8, 2020

PORTION OF GARAGE WITHIN SETBACK A=178± SF

PROPOSED DRIVEWAY

CRB FND.

11'±

18'±

PROPOSED GARAGE A–384± SF

EXISTING SHELL DRIVEWAY

EXIST. BLOCK APRON

LANE

23.4'±

STEP

ODS

EXIST. 1 STY. W/F. DWELLING 812± SF

A/C

DECK

STEPS

A/C

UG–LP

STONE STEP

15.70'±

REMOVE W/F GARAGE 214 S.F.±

PROPOSED ADDITION 585± SF

BLUESTONE WALKWAY

ZONING SETBACK LINE

84.37'

S02°45'19"W

S.W.

VGC

ODS

STEPS

CRB FND.

STONE PATIO

STONE PATIO

EXIST. 2 STY. W/F DWELLING 1,687± SF

10.1'±

CHIMNEY

CHIMNEY

SCREEN PORCH

DECK

77.09'

3.6'±

OIL

A/C

UG–LP (2)

EXIST. GATE

S15°57'19"W

ONLY A PORTION OF THE LOT IS SHOWN FOR CLARITY. REMAINDER CONSISTS OF A VEGETATED WETLAND RESOURCE AREA

S.W.

50'

ZONING SETBACK LINE

267.03'

CRB FND.

AREA OF LOT OUTSIDE OF ZONING AND WETLAND 50–FOOT BUFFER ZONE = 3,059± SF

41–201.3
N/F
ANNE K. MENDELSOHN

CROOKED

EXIST. EDGE OF PAVEMENT

THIS PLOT PLAN PREPARED FOR PERMITTING PURPOSES ONLY. NOT FOR CONSTRUCTION. SHOULD NOT BE CONSIDERED A PROPERTY LINE SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD.
THIS PLOT PLAN IS NOT A CERTIFICATION AS TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESSOR RECORDS.
PROPOSED GARAGE SHOWN HEREON REQUIRES SETBACK RELIEF FROM THE ZONING BOARD OF APPEALS.

COMMONWEALTH OF MASSACHUSETTS
ARTHUR D. GASBARRO, III
No. 47119
PROFESSIONAL LAND SURVEYOR
4/9/21

GRAPHIC SCALE
20 0 10 20
(IN FEET)
1 inch = 20 ft.

SITE PLAN TO ACCOMPANY A ZONING BOARD OF APPEALS APPLICATION IN NANTUCKET, MA PREPARED FOR BRIAN RICE & ROBERT GOLDRICH
41 CROOKED LANE
MAP 41 PARCEL 202
APRIL 9, 2021
SCALE: 1"=20'

NANTUCKET ENGINEERING & SURVEY, PC
20 Mary Ann Drive Nantucket, MA 02554
NantucketEngineer.com 508-825-5053

2021 00169063
Cert: 20897 Doc: OOC
Registered: 04/07/2021 01:00 PM

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
SE48-3406
MassDEP File #

eDEP Transaction #

Nantucket
City/Town

A. General Information

1. From: Nantucket
Conservation Commission

2. This issuance is for (check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Robert and Brian
a. First Name

Goldrich and Rice
b. Last Name

c. Organization

91 Central Park West, Apt. 11B
d. Mailing Address

New York
e. City/Town

NY
f. State

10023
g. Zip Code

4. Property Owner (if different from applicant):

Same as applicant
a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

41 Crooked Lane
a. Street Address

Nantucket
b. City/Town

41
c. Assessors Map/Plat Number

202
d. Parcel/Lot Number

Latitude and Longitude, if known: d. Latitude e. Longitude

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP: SE48-3406
MassDEP File #

eDEP Transaction #

Nantucket
City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Nantucket	20,897
a. County	b. Certificate Number (if registered land)
c. Book	d. Page

7. Dates:

March 4, 2021	March 25, 2021	April 7, 2021
a. Date Notice of Intent Filed	b. Date Public Hearing Closed	c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Site Plan to Accompany a Notice of Intent
a. Plan Title

Nantucket Engineering & Survey, PC	Arthur D. Gasbarro, III P.L.S.
b. Prepared By	c. Signed and Stamped by
March 3, 2021	1" = 20'
d. Final Revision Date	e. Scale
f. Additional Plan or Document Title	g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

a. ☒ Public Water Supply	b. ☒ Land Containing Shellfish	c. ☒ Prevention of Pollution
d. ☒ Private Water Supply	e. ☒ Fisheries	f. ☒ Protection of Wildlife Habitat
g. ☒ Groundwater Supply	h. ☒ Storm Damage Prevention	i. ☒ Flood Control
	j. ☒ Wetland Scenic Views (bylaw)	k. ☒ Recreation (Bylaw)

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP: SE48-3406
MassDEP File #

eDEP Transaction #

Nantucket
City/Town

B. Findings (cont.)

Denied because:

b. ☐ *the proposed* work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**

c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) — 50 a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. ☐ Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. ☐ Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. ☐ Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. ☐ Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. ☐ Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. ☐ Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP: SE48-3406
MassDEP File #

eDEP Transaction #

Nantucket
City/Town

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. ☐ Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. ☐ Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. ☐ Coastal Beaches	a. square feet	b. square feet	0 cu yd c. nourishment	cu yd d. nourishment
14. ☐ Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
15. ☐ Coastal Banks	a. linear feet	b. linear feet		
16. ☐ Rocky Intertidal Shores	a. square feet	b. square feet		
17. ☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. ☐ Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. ☐ Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. ☐ Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. ☐ Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
SE48-3406
MassDEP File #

eDEP Transaction #

Nantucket
City/Town

B. Findings (cont.)

22. ☐ Restoration/Enhancement *:

a. square feet of BVW | b. square feet of salt marsh

23. ☐ Stream Crossing(s):

a. number of new stream crossings | b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
   a. the work is a maintenance dredging project as provided for in the Act; or
   b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on **04/07/2024** unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
SE48-3406
MassDEP File #

eDEP Transaction #

Nantucket
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.

10. A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]

"File Number SE48-3406 "

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.

12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.

13. The work shall conform to the plans and special conditions referenced in this order.

14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.

15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
SE48-3406
MassDEP File #

eDEP Transaction #
Nantucket
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. **The work associated with this Order (the "Project") is** (1) ☐ **is not** (2) ☒ **subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
SE48-3406
MassDEP File #

eDEP Transaction #
Nantucket
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement) for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
SE48-3406
MassDEP File #

eDEP Transaction #

Nantucket
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.

i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.

j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.

k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.

l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP: SE48-3406
MassDEP File #

eDEP Transaction #

Nantucket
City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No

2. The Nantucket Conservation Commission hereby finds (check one that applies):

   a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

   1. Municipal Ordinance or Bylaw | 2. Citation

   Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

   b. ☐ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

   1. Municipal Ordinance or Bylaw | 2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
   The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):
   Please view additional findings and conditions page(s)

Town of Nantucket, Massachusetts

WPA Form 5 – Order of Conditions

The Town of Nantucket Bylaw Chapter 136

DEP File Number:

SE48-3406

Provided by DEP

B1. Additional Conditions

The Town of Nantucket Conservation Commission has found it necessary to include these additional conditions as a standard part of every Order. *If the condition applies*, then the corresponding box will be checked:

☒ 1. Pursuant to General Condition Number 8, this Order of Conditions must be registered with the Registry of Deeds for Nantucket, and proof of recording shall be submitted to the Commission prior to the commencement of any work approved in this Order.

☒ 2. No work approved under this Order shall take place until all administrative appeal periods from the Order have elapsed, or, if an appeal has been filed, until all proceedings have been completed.

☒ 3. The landowner, applicant, and/or the contractor will notify the Commission in writing five days prior to the start of work. The letter shall state the name, address, and telephone number of the project supervisor who will be responsible for insuring onsite compliance with this Order. (All erosion/sedimentation control devices shall be installed BEFORE the start of work.)

☒ 4. Prior to any activity at the site, a snow fence, siltation fence or a line of straw bales shall be staked as shown on the plan of record. After the fence or straw bales are installed, notice shall be given to the Nantucket Conservation Commission. **No work shall begin on the site for 72 hours after said notice is given; so as to allow Commission members time to inspect all siltation devices.** The snow fence, siltation fence, or straw bale line erected to prevent siltation, erosion, filling of the wetland, and trap windblown debris during construction, will also serve as a limit of the activity for work crews. It shall remain in good repair during all phases of construction, and it shall not be removed until all soils are stabilized and revegetated or until permission to remove it is given by the Commission.

☒ 5. An as-built plan, signed and stamped by a registered professional engineer or land surveyor in the Commonwealth of Massachusetts, and having the same scale as the final approved plans, shall be submitted to the Commission at the same time as a written request for a *Certificate of Compliance*, and shall specify how, if at all, the completed plan differs from the final approved plan. The as-built plan shall include, but not be limited to, the following: any/culvert inverts for inflow and outfalls; pipe slope, size, and composition; location of any other drainage structures and their composition; limits of fill or alteration; location of all structures and pavement within 100 feet of the wetland; the edge of the wetland; the grade contours within 100 feet of the wetland.

☒ 6. Members, employees, and agents of the Commission shall have the right to enter and inspect the premises to evaluate compliance with the conditions and performance standards stated in this Order, the Massachusetts Wetlands Protection Act, and pertinent Massachusetts regulations (310CMR10:00 through 10:99). The Commission may require the submittal of any data deemed necessary by the Commission for that evaluation.

☒ 7. The applicant, owners, successors, or assignees shall be responsible for maintaining any on-site drainage structures and outfalls, assuring the lasting integrity of vegetative cover on the site, and monitoring of site activities so as to prevent erosion, siltation, sedimentation, chemical contamination, or other detrimental impact to any on-site or off-site resource area. It shall be the responsibility of the property owner of record to ensure compliance with the maintenance conditions required by this Order.

Town of Nantucket, Massachusetts

WPA Form 5 – Order of Conditions

The Town of Nantucket Bylaw Chapter 136

DEP File Number:

SE48-3406

Provided by DEP

B1. Additional Conditions (cont.)

☒ 8. This document shall be included in all construction contracts and subcontracts dealing with the work proposed and shall supersede other contract requirements.

☒ 9. A complete copy of this permit, including its drawings, Special Conditions, and any Amendments shall be available at the work site whenever work is being performed. The permittee shall provide a copy of this permit to all contractors, subcontractors, and other personnel performing work relating to this project in order to assure full knowledge and compliance with the permit's terms and conditions.

☒ 10. Natural vegetation between the wetland edge and upland edge of the Undisturbed Buffer shall be left intact. Within 48 hours of project completion, weather permitting, all disturbed areas shall be replanted as previously approved by the Commission. There shall be at least a 25-foot undisturbed buffer on the upland side of the wetland boundary, unless otherwise specified by this Order. This shall be an ongoing Condition that shall survive the expiration of this permit and shall be so noted on the Certificate of Compliance.

☒ 11. To minimize adverse effects on wildlife and water resources, the use of any pesticide or fertilizer requires explicit permission to be granted by the Commission. This shall be an ongoing Condition that shall survive the expiration of this permit, and shall be so noted on the Certificate of Compliance.

☒ 12. In all cases, no part of any structure, including decks, stairs, cantilevers, etc., may be closer than 50 feet from the approved wetland boundary unless otherwise specified in this Order. This shall be an ongoing Condition that shall survive the expiration of this permit and shall be so noted on the Certificate of Compliance.

☒ 13. Any refuse material found on the site shall be disposed of at an approved landfill and in no case may these materials be buried or disposed of in or near a wetland.

☒ 14. This Order of Conditions shall apply to any successor in interest or successor in control of the property.

☒ 15. No underground petroleum product storage tanks are allowed within 100 feet of any wetland or within any velocity (V) flood zone as indicated on the most recent FEMA floodplain maps.

☒ 16. No work under this Order of Conditions may proceed until the applicant has filed all necessary permits and applications with:
Board of Health, ZBA, HDC, Building Inspector, Army Corps of Engineers, DEP, Waterways, MNH, etc.

☒ 17. All construction and alterations must comply with the above referenced plans and the Conditions of this Order. Any changes intended to be made in the plans or in the work shall require the applicant to file a new Notice of Intent, or to inquire of the Commission in writing whether the change is substantial enough to require a new filing. No change in plan or work under this filing is permissible without a new Notice of Intent, or permission from the Commission.

FINDINGS and ADDITIONAL CONDITIONS
Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address:	41 Crooked Lane
Assessor's Map and Parcel:	41-202
Property Owner:	Robert Goldrich & Brian Rice
Applicant:	Robert Goldrich & Brian Rice
DEP File Number:	SE48-3406
Filing Date:	March 4, 2021
Date Hearing Closed:	March 25, 2021
Date Orders Issued:	April 7, 2021
Plan of Record Information:	Site Plan to Accompany a Notice of Intent, March 3, 2021, stamped by Arthur D. Gasbarro, III, P.L.S.

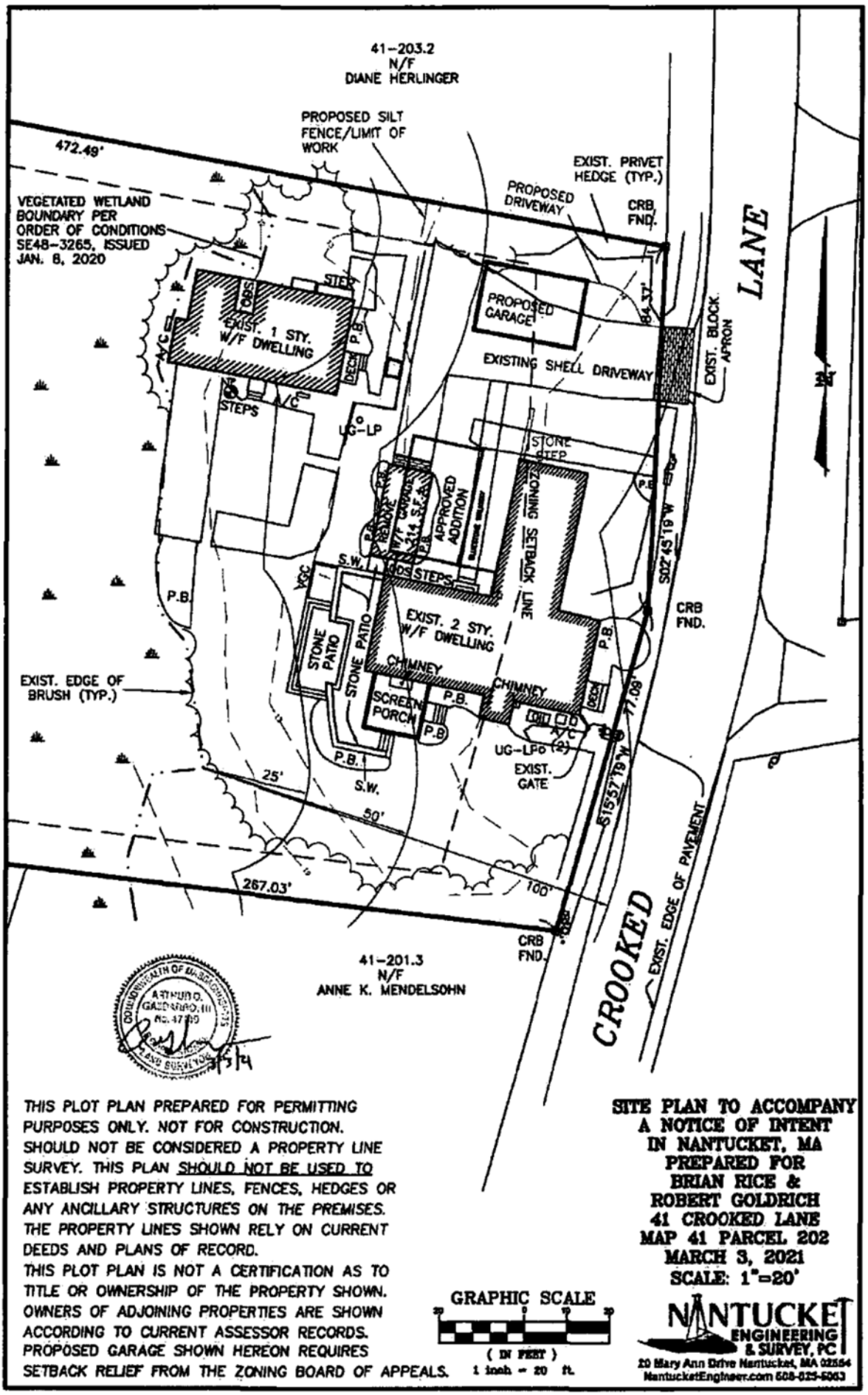
Permit Overview:
This order permits the construction of a garage and driveway with associated grading, landscaping and utilities within the buffer zone Bordering Vegetated Wetland. Waivers are required for this project.

Additional Findings:
1. The area falls outside mapped habitat areas and does not require NHESP review.

In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, and protocols.
19. All construction materials are to be stored outside the fifty foot setback.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS
Waivers are required to Section 3.02 (B)(1) that all structures shall maintain an undisturbed two-foot separation to high groundwater. Given the current and historic site conditions the Commission finds that the project as proposed will not have an adverse impact and that there are no reasonable alternatives that allow the project to proceed in compliance with the regulations. Therefore the Commission grants a waiver under Section 1.03(F)(3)(a) of the Nantucket Wetland Protection Regulations.


41-203.2
N/F
DIANE HERLINGER
PROPOSED SILT FENCE/LIMIT OF WORK
472.49'
EXIST. PRIVET HEDGE (TYP.)
PROPOSED DRIVEWAY
CRB FND.
VEGETATED WETLAND BOUNDARY PER ORDER OF CONDITIONS SE48-3265, ISSUED JAN. 8, 2020
LANE
EXIST. 1 STY. W/F DWELLING
STEPS
DECK
A/C
PROPOSED GARAGE
84.37'
EXISTING SHELL DRIVEWAY
EXIST. BLOCK APRON
UG-LP
STONE STEP
APPROVED ADDITION
ZONING SETBACK LINE
S02°45'19"W
S.W.
STEPS
P.B.
EXIST. 2 STY. W/F DWELLING
STONE PATIO
CHIMNEY
SCREEN PORCH
UG-LP (2)
EXIST. GATE
77.08'
S15°57'19"W
EXIST. EDGE OF BRUSH (TYP.)
25'
50'
100'
267.03'
CRB FND.
41-201.3
N/F
ANNE K. MENDELSOHN
CROOKED
EXIST. EDGE OF PAVEMENT
ARTHUR D. GALDENZIO III
No. 47390
REGISTERED LAND SURVEYOR
3/3/21
THIS PLOT PLAN PREPARED FOR PERMITTING PURPOSES ONLY. NOT FOR CONSTRUCTION. SHOULD NOT BE CONSIDERED A PROPERTY LINE SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD.
THIS PLOT PLAN IS NOT A CERTIFICATION AS TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESSOR RECORDS.
PROPOSED GARAGE SHOWN HEREON REQUIRES SETBACK RELIEF FROM THE ZONING BOARD OF APPEALS.
GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.
SITE PLAN TO ACCOMPANY A NOTICE OF INTENT IN NANTUCKET, MA PREPARED FOR BRIAN RICE & ROBERT GOLDRICH
41 CROOKED LANE
MAP 41 PARCEL 202
MARCH 3, 2021
SCALE: 1"=20'
NANTUCKET ENGINEERING & SURVEY, PC
20 Mary Ann Drive Nantucket, MA 02554
NantucketEngineer.com 508-825-5063

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
SE48-3406
MassDEP File #

eDEP Transaction #

Nantucket
City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

April 7, 2021
1. Date of Issuance

Please indicate the number of members who will sign this form.
This Order must be signed by a majority of the Conservation Commission.

6
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

See Vote Recorded in Book 1743 Page 48 Doc #COV

Signatures:

Ashley Erisman (C)

Ian Golding (VC)

David La Fleur

Joseph Topham

Seth Engelbourg

Seth Engelbourg

Maureen Philips

C. Marshall Beale

☒ by hand delivery on

April 7, 2021
Date

☐ by certified mail, return receipt requested, on

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
SE48-3406
MassDEP File #

eDEP Transaction #

Nantucket
City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location | MassDEP File Number

Has been recorded at the Registry of Deeds of:

County | Book | Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book | Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

citrix | RightSignature

REFERENCE NUMBER
F0042B2E-444C-4FD4-956D-84104E35A939

SIGNATURE CERTIFICATE

TRANSACTION DETAILS

Reference Number
F0042B2E-444C-4FD4-956D-84104E35A939

Transaction Type
Signature Request

Sent At
04/02/2021 15:09 EDT

Executed At
04/06/2021 09:24 EDT

Identity Method
email

Distribution Method
email

Signed Checksum
c2ffd49086d65f0159f0ca27bc91700def133b4b63b962b8efe30547ea3c7767c70

Signer Sequencing
Disabled

Document Passcode
Disabled

DOCUMENT DETAILS

Document Name
Concom Paperwork 03/25/2021

Filename
signature_file.pdf

Pages
13 pages

Content Type
application/pdf

File Size
839 KB

Original Checksum
ae2e2116162990701c3fdff767243c04838616fb82792265e5e930dd535c9b51e

SIGNERS

SIGNER

Name
Ian Golding

Email
almac451@gmail.com

Components
13

E-SIGNATURE

Status
signed

Multi-factor Digital Fingerprint Checksum
d1e45e977819dfe0bec8afe1e10188bc8b93eaaad8d66f35b013b5fb9261b26

IP Address
65.96.65.170

Device
Firefox via Mac

Drawn Signature

Signature Reference ID
4A7FB33B

Signature Biometric Count
515

EVENTS

Viewed At
04/06/2021 09:23 EDT

Identity Authenticated At
04/06/2021 09:24 EDT

Signed At
04/06/2021 09:24 EDT

Name
Maureen Phillips

Email
maureen.phillips@icloud.com

Components
13

Status
signed

Multi-factor Digital Fingerprint Checksum
0e528e628788bfde6b02b3bf3d90f5e98d12aa283ace52053251420 5b307d250d

IP Address
76.19.151.2

Device
Safari via Mac

Drawn Signature

Signature Reference ID
5E40726A

Signature Biometric Count
346

Viewed At
04/05/2021 09:16 EDT

Identity Authenticated At
04/05/2021 09:17 EDT

Signed At
04/05/2021 09:17 EDT

SIGNER	E-SIGNATURE	EVENTS
Name Mark Beale **Email** mbeale297@gmail.com **Components** 13	**Status** signed **Multi-factor Digital Fingerprint Checksum** c2e230b3bae0146bb82e4e8bf5e3f4119d13a9d0dbc7bde7b44bf6e42e0c61e102 **IP Address** 24.218.9.65 **Device** Safari via Mac **Typed Signature** C Marshall Beale **Signature Reference ID** E7E28051	**Viewed At** 04/02/2021 16:07 EDT **Identity Authenticated At** 04/02/2021 16:11 EDT **Signed At** 04/02/2021 16:11 EDT
Name Seth Engelbourg **Email** sengelbourg17@gmail.com **Components** 13	**Status** signed **Multi-factor Digital Fingerprint Checksum** ddf4ca0123303980253478a255ac522e4066f5fd3c8a2107cb8901750f742d98ac **IP Address** 65.96.64.253 **Device** Mobile Safari via IOS **Typed Signature** Seth Engelbourg **Signature Reference ID** 9F285FAF	**Viewed At** 04/02/2021 15:39 EDT **Identity Authenticated At** 04/02/2021 15:40 EDT **Signed At** 04/02/2021 15:40 EDT
Name Joseph Topham **Email** joseph@tophamdesignack.com **Components** 12	**Status** signed **Multi-factor Digital Fingerprint Checksum** 6de5832845c1d2a93a6834c8b67b776fe45097351c64e576e43bd0c58931f3f9 **IP Address** 96.81.85.50 **Device** Safari via Mac **Drawn Signature** **Signature Reference ID** 0B522286 **Signature Biometric Count** 400	**Viewed At** 04/02/2021 15:10 EDT **Identity Authenticated At** 04/02/2021 15:13 EDT **Signed At** 04/02/2021 15:13 EDT

AUDITS

TIMESTAMP	AUDIT
04/02/2021 15:09 EDT	Joanne Dodd (jdodd@nantucket-ma.gov) created document 'signature_file.pdf' on Chrome via Windows from 208.87.236.201.
04/02/2021 15:09 EDT	Mark Beale (mbeale297@gmail.com) was emailed a link to sign.
04/02/2021 15:09 EDT	Ian Golding (aimac451@gmail.com) was emailed a link to sign.
04/02/2021 15:09 EDT	Maureen Phillips (maureen.phillips@icloud.com) was emailed a link to sign.
04/02/2021 15:09 EDT	Joseph Topham (joseph@tophamdesignack.com) was emailed a link to sign.
04/02/2021 15:09 EDT	Seth Engelbourg (sengelbourg17@llnf.org) was emailed a link to sign.
04/02/2021 15:10 EDT	Joseph Topham (joseph@tophamdesignack.com) viewed the document on Safari via Mac from 96.81.85.50.
04/02/2021 15:13 EDT	Joseph Topham (joseph@tophamdesignack.com) authenticated via email on Safari via Mac from 96.81.85.50.
04/02/2021 15:13 EDT	Joseph Topham (joseph@tophamdesignack.com) signed the document on Safari via Mac from 96.81.85.50.
04/02/2021 15:18 EDT	Joanne Dodd (jdodd@nantucket-ma.gov) modified the email for Seth Engelbourg to 'sengelbourg17@gmail.com'.
04/02/2021 15:18 EDT	Joanne Dodd (jdodd@nantucket-ma.gov) modified a signer email for 'signature_file.pdf' on Chrome via Windows from 208.87.236.201.
04/02/2021 15:18 EDT	Seth Engelbourg (sengelbourg17@gmail.com) was emailed a link to sign.
04/02/2021 15:18 EDT	Seth Engelbourg (sengelbourg17@gmail.com) was emailed a reminder.
04/02/2021 15:28 EDT	Seth Engelbourg (sengelbourg17@gmail.com) viewed the document on Mobile Safari via IOS from 65.96.64.253.

TIMESTAMP	AUDIT
04/02/2021 15:29 EDT	Seth Engelbourg (sengelbourg17@gmail.com) was emailed a reminder.
04/02/2021 15:29 EDT	Seth Engelbourg (sengelbourg17@gmail.com) was emailed a reminder.
04/02/2021 15:31 EDT	Seth Engelbourg (sengelbourg17@gmail.com) viewed the document on Mobile Safari via iOS from 65.96.64.253.
04/02/2021 15:32 EDT	Seth Engelbourg (sengelbourg17@gmail.com) was emailed a reminder.
04/02/2021 15:32 EDT	Seth Engelbourg (sengelbourg17@gmail.com) was emailed a reminder.
04/02/2021 15:39 EDT	Seth Engelbourg (sengelbourg17@gmail.com) viewed the document on Mobile Safari via iOS from 65.96.64.253.
04/02/2021 15:40 EDT	Seth Engelbourg (sengelbourg17@gmail.com) authenticated via email on Mobile Safari via iOS from 65.96.64.253.
04/02/2021 15:40 EDT	Seth Engelbourg (sengelbourg17@gmail.com) signed the document on Mobile Safari via iOS from 65.96.64.253.
04/02/2021 16:07 EDT	Mark Beale (mbeale297@gmail.com) viewed the document on Safari via Mac from 24.218.9.65.
04/02/2021 16:11 EDT	Mark Beale (mbeale297@gmail.com) authenticated via email on Safari via Mac from 24.218.9.65.
04/02/2021 16:11 EDT	Mark Beale (mbeale297@gmail.com) signed the document on Safari via Mac from 24.218.9.65.
04/05/2021 09:16 EDT	Maureen Phillips (maureen.phillips@icloud.com) viewed the document on Safari via Mac from 76.19.151.2.
04/05/2021 09:17 EDT	Maureen Phillips (maureen.phillips@icloud.com) authenticated via email on Safari via Mac from 76.19.151.2.
04/05/2021 09:17 EDT	Maureen Phillips (maureen.phillips@icloud.com) signed the document on Safari via Mac from 76.19.151.2.
04/06/2021 09:21 EDT	Ian Golding (almac451@gmail.com) was emailed a reminder.
04/06/2021 09:21 EDT	Ian Golding (almac451@gmail.com) was emailed a reminder.
04/06/2021 09:23 EDT	Ian Golding (almac451@gmail.com) viewed the document on Firefox via Mac from 65.96.65.170.
04/06/2021 09:24 EDT	Ian Golding (almac451@gmail.com) authenticated via email on Firefox via Mac from 65.96.65.170.
04/06/2021 09:24 EDT	Ian Golding (almac451@gmail.com) signed the document on Firefox via Mac from 65.96.65.170.

TOWN OF NANTUCKET

Zoning Board of Appeals

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER: Brian Rice and Robert Goldrich

MAILING ADDRESS: c/o Cohen & Cohen, 34 Main Street, Nantucket

PROPERTY LOCATION: 41 Crooked Lane

ASSESSOR MAP/PARCEL: 41 / 202

SUBMITTED BY Cohen & Cohen Law PC

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of abutting property, owners of land directly opposite on any public or private street or way; and abutters of the abutters and all other land owners within 300 feet of the property line of owner's property, all as they appear on the most recent applicable tax list (M.G.L. c. 40A, Section 11 Zoning Code Chapter 139, Section 139-29B) (2).

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of Nantucket, ou=Assessor's Office, email=rranney@nantucket-ma.gov, c=US
Date: 2021.05.11 09:13:48 -04'00'

5-11-2021

DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
XTY-TWO MADAKET ROAD NOM TRUST	C/O DAVID DRIVER TR	193 DARTMOUTH ST	SAN FRANCISCO	CA	94134-1427	62 MADAKET RD
BARNES SAMANTHA		1 CANAL ST #733	BOSTON	MA	02114	68 MADAKET RD
ARRIES RHONDA J & THOMAS J		99 WATER ST	SEVERNA PARK	MD	21146	66 MADAKET RD
JACOBY JANE B		64 MADAKET RD	NANTUCKET	MA	02554	64 MADAKET RD
STEWART PAUL P TRUSTEE	SIXTY-ONE MADAKET RD NOMINEE TRUST	61 MADAKET RD	NANTUCKET	MA	02554	61 MADAKET RD
ER MICHAEL S & ALEXANDRA K		390 WESTFORD ROAD	CONCORD	MA	01742	57 MADAKET RD
MENDELSOHN ANNE K		PO BOX 1201	NANTUCKET	MA	02554	43 CROOKED LN
CE BRIAN & GOLDRICH ROBERT		91 CENTRAL PARK W APT 11B	NEW YORK	NY	10023	41 CROOKED LN
FEE SYDNEY B		129 ORANGE ST	NANTUCKET	MA	02554	31 CROOKED LN
KNUTZEN ANDERS M & SALLY L		259 WOODLAWN AVENUE	ST PAUL	MN	55105	33 CROOKED LN
HERLINGER DIANE		117 OAKWOOD CT	LONDON ENGLAND		W14 8LA	35 CROOKED LN
CHADIE CHRISTOPHER TR	PERIKLES REALTY TRUST II	13 STRATTON RD	SCARSDALE	NY	10583	29 CROOKED LN
URIE SANDRA A TRUSTEE		36 PROSPECT STREET	WINCHESTER	MA	01890	55 MADAKET RD
FERGUSON WALTER K L JR TR	46 CROOKED LANE NOM TRUST	2102 MEADOWBROOK DRIVE	AUSTIN	TX	78703	46 CROOKED LN
RADIN ROBERT P & PHILIPPA J		3009 O ST NW	WASHINGTON	DC	20007	42 CROOKED LN
UMMINGS DANIEL W & LINDA C		176 W CANTON ST	BOSTON	MA	02116	36 CROOKED LN
CUMMINGS DANIEL & LINDA		176 WEST CANTON ST	BOSTON	MA	02116	32 CROOKED LN
ANN ROBERT T & MARY M TRS	MANN FAMILY TRUST	307 QUEEN STREET	ALEXANDIA	VA	22314	58 GROVE LN
NDALL KIRSTEN A & TIMOTHY R ETAL		1822 E PROSPECT ST	SEATTLE	WA	98112	60 GROVE LN
NTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	63 MADAKET RD

SIXTY-TWO MADAKET ROAD NOM TRUST
C/O DAVID DRIVER TR
193 DARTMOUTH ST
SAN FRANCISCO, CA 94134-1427

BARNES SAMANTHA
1 CANAL ST #733
BOSTON, MA 02114

HARRIES RHONDA J & THOMAS J
99 WATER ST
SEVERNA PARK, MD 21146

JACOBY JANE B
64 MADAKET RD
NANTUCKET, MA 02554

STEWART PAUL P TRUSTEE
SIXTY-ONE MADAKET RD NOMINEE TRUST
61 MADAKET RD
NANTUCKET, MA 02554

GLAZIER MICHAEL S & ALEXANDRA K
390 WESTFORD ROAD
CONCORD, MA 01742

MENDELSOHN ANNE K
PO BOX 1201
NANTUCKET, MA 02554

RICE BRIAN & GOLDRICH ROBERT
91 CENTRAL PARK W APT 11B
NEW YORK, NY 10023

FEE SYDNEY B
129 ORANGE ST
NANTUCKET, MA 02554

KNUTZEN ANDERS M & SALLY L
259 WOODLAWN AVENUE
ST PAUL, MN 55105

HERLINGER DIANE
117 OAKWOOD CT
LONDON ENGLAND, . W14 8LA

CHADIE CHRISTOPHER TR
PERIKLES REALTY TRUST II
13 STRATTON RD
SCARSDALE, NY 10583

URIE SANDRA A TRUSTEE
36 PROSPECT STREET
WINCHESTER, MA 01890

FERGUSON WALTER K L JR TR
46 CROOKED LANE NOM TRUST
2102 MEADOWBROOK DRIVE
AUSTIN, TX 78703

RADIN ROBERT P & PHILIPPA J
3009 O ST NW
WASHINGTON, DC 20007

CUMMINGS DANIEL W & LINDA C
176 W CANTON ST
BOSTON, MA 02116

CUMMINGS DANIEL & LINDA
176 WEST CANTON ST
BOSTON, MA 02116

MANN ROBERT T & MARY M TRS
MANN FAMILY TRUST
307 QUEEN STREET
ALEXANDIA, VA 22314

RANDALL KIRSTEN A & TIMOTHY R ETAL
1822 E PROSPECT ST
SEATTLE, WA 98112

NANTUCKET ISLANDS LAND BANK
22 BROAD ST
NANTUCKET, MA 02554

Materials Provided by Staff

2012 00138818
Cert: 20897 Doc: SP
Registered: 11/06/2012 01:22 PM

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MASSACHUSETTS 02554

RECEIVED
2012 OCT 12 AM 9 55
NANTUCKET TOWN CLERK

Date: October 12, 2012

To: Parties in Interest and Others concerned with the Decision of The BOARD OF APPEALS in the Application of the following:

Application No: 054-12

Owner/Applicant: BRIAN RICE AND ROBERT GOLDRICH

Enclosed is the Decision of the BOARD OF APPEALS which has this day been filed with the office of the Nantucket Town Clerk.

An Appeal from this Decision may be taken pursuant to Section 17 of Chapter 40A, Massachusetts General Laws.

Any action appealing the Decision must be brought by filing a complaint in Land Court within TWENTY (20) days after this day's date. Notice of the action with a copy of the complaint and certified copy of the Decision must be given to the Town Clerk so as to be received within such TWENTY (20) days.

Edward S. Toole, Chairman

cc: Town Clerk
Planning Board
Building Commissioner/Zoning Enforcement Officer

PLEASE NOTE: MOST SPECIAL PERMITS AND VARIANCES HAVE A TIME LIMIT AND WILL EXPIRE IF NOT ACTED UPON ACCORDING TO NANTUCKET ZONING BY-LAW SECTION 139-30 (SPECIAL PERMITS); SECTION 139-32 (VARIANCES). ANY QUESTIONS, PLEASE CALL THE NANTUCKET ZONING BOARD OF APPEALS OFFICE AT 508-228-7215.

NANTUCKET ZONING BOARD OF APPEALS
2 Fairgrounds Road
Nantucket, Massachusetts 02554

Assessor's Map 41, Parcel 202
41 Crooked Lane
Residential - 20

Certificate of Title No. 20,897
Land Court Plan 32312-B, Lot 2
Land Court Plan 32313-C, Lot 6

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Thursday, September 13, 2012, at 1:00 P.M., 4 Fairgrounds Road, Nantucket, Massachusetts, the Board made the following decision on the application of **BRIAN RICE AND ROBERT GOLDRICH**, c/o Sarah F. Alger, P.C., Two South Water Street, Nantucket, Massachusetts 02554, File No. 054-12:

2. Applicants are requesting Special Permit relief pursuant to Nantucket Zoning Bylaw Section 139-33.A.(5) (alteration of preexisting nonconforming structure) in order to alter and extend the preexisting structure on the Locus. Said structure is nonconforming as to front yard setback, being sited as close as 3.6 feet from the front yard lot line in a zoning district that requires a thirty (30) foot front yard setback. Said alteration will be located in the front yard setback, but will not be any closer to the front yard lot line than the existing structure. The Locus is situated at 41 Crooked Lane, is shown on Nantucket Tax Assessor's Map 41 as Parcel 202, is shown on Land Court Plan 32312-B as Lot 2 and Land Court Plan 32313-C as Lot 6, and title is registered as Certificate of Title No. 20,897 in the Nantucket County District of the Land Court. The property is zoned Residential - 20.

3. Our decision is based upon the application and accompanying materials, representations, and testimony received at our public hearing. There was no Planning Board recommendation on the basis that no matters of planning concern were presented. There was no abutter comment either in favor of or in opposition to the requested relief.

4. Attorney Sarah F. Alger represented the Applicant at the hearing. Attorney Alger explained to the Board that the Applicants are requesting Special Permit relief pursuant to

Nantucket Zoning Bylaw Section 139-33.A.(5) (alteration and extension of a preexisting nonconforming structure) in order to alter and extend the preexisting nonconforming structure on the Locus without increasing the nonconforming nature of the structure.

Attorney Alger further explained that said structure is nonconforming as to front yard setback, being sited as close as 3.6 feet from the front yard lot line in a zoning district that requires a thirty (30) foot front yard setback. Although the proposed addition will be located in the front yard setback, it will not be any closer to the front yard lot line than the existing structure. Wetlands on the Premises prevent the construction of an addition in a conforming location on the property.

5. Therefore, after a discussion with the attorney for the Applicant, the Board finds that such Special Permit relief pursuant to Nantucket Zoning Bylaw Section 139-33.A.(5) in order to alter and extend the structure such that the proposed addition will be no closer than 15.78 feet from the front yard lot line would not be substantially more detrimental to the neighborhood because said alteration will be no closer to the front yard lot line than the existing structure. Further, noting the significant wetlands on the property, the Board of Appeals finds that this type of alteration would be in harmony with the general purpose and intent of the Zoning Bylaw.

6. Accordingly, by a UNANIMOUS vote of the sitting Board, the Board of Appeals made the finding that such Special Permit relief pursuant to Nantucket Zoning Bylaw Sections 139-33.A.(5) in order to alter and extend the preexisting nonconforming single-family dwelling without increasing the nonconforming nature of the structure would not be any more detrimental to the neighborhood than the existing nonconformity and would be in harmony with the general purpose and intent of the Zoning Bylaw with the following condition:

a. That all work shall be done as shown on the plan labeled, "Proposed Conditions Site Plan to Accompany Zoning Board of Appeals Application in Nantucket, MA." dated August 14, 2012, prepared by Blackwell & Associates, Inc., attached hereto as "Exhibit A".

SIGNATURE PAGE TO FOLLOW

Dated: October 10, 2012

Edward Tooley

Lisa Botticelli

Kerim Koseatac

Michael Angelastro

Geoffrey Thayer

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss. October 10, 2012

On this 10 day of October, 2012, before me, the undersigned Notary Public, personally appeared Michael Angelastro, who is personally known to me, and who is the person whose name is signed on the preceding or attached document, and who acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public: John B Brescher
My commission expires: 9/19/2014

JOHN B. BRESCHER NOTARY PUBLIC COMMONWEALTH OF MASSACHUSETTS My Commission Expires on 9/19/2014

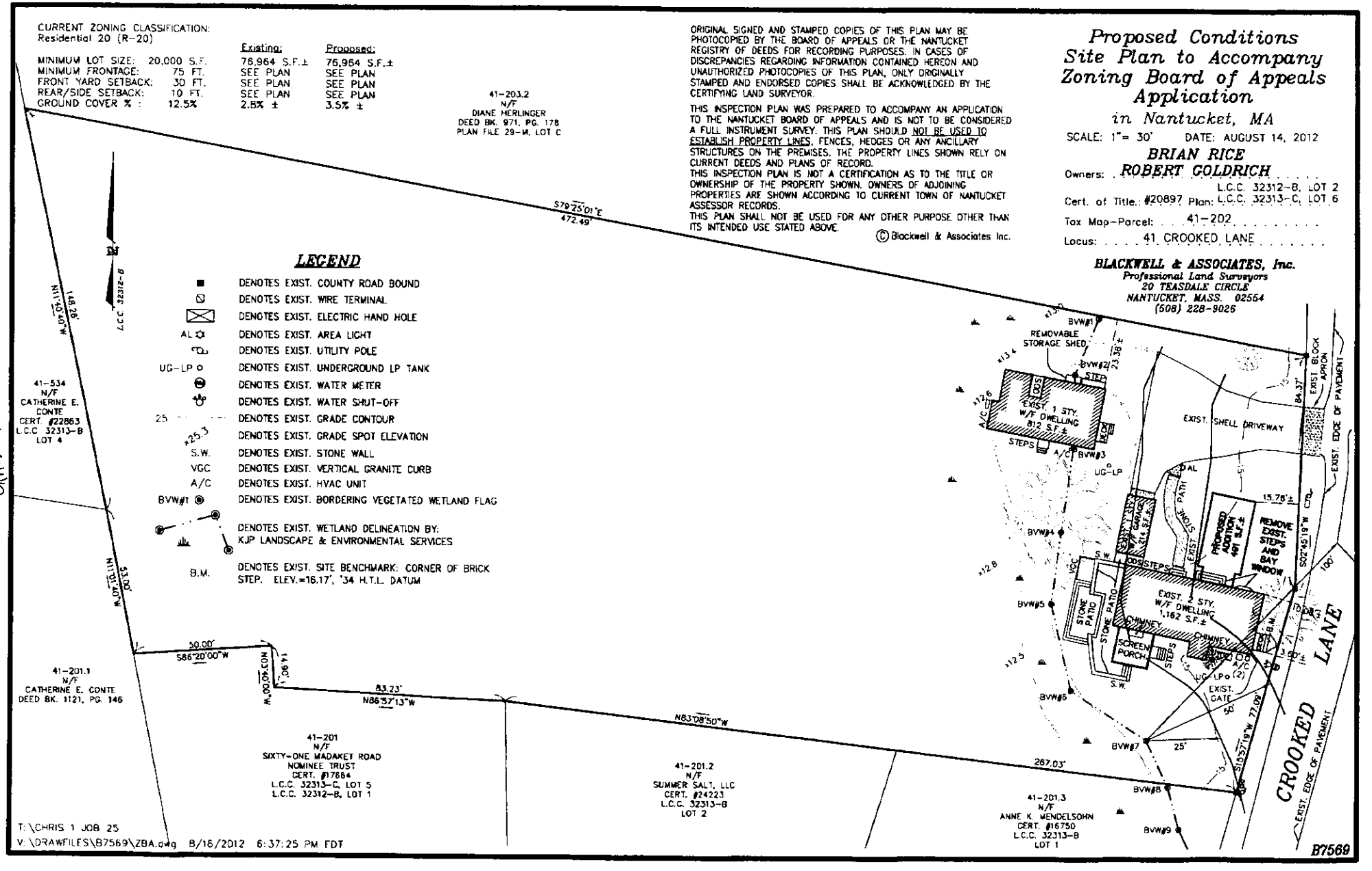
I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11

TOWN CLERK

ATTEST: A TRUE COPY

NANTUCKET TOWN CLERK

NOV 06 2012


CURRENT ZONING CLASSIFICATION:
Residential 20 (R-20)
MINIMUM LOT SIZE: 20,000 S.F.
MINIMUM FRONTAGE: 75 FT.
FRONT YARD SETBACK: 30 FT.
REAR/SIDE SETBACK: 10 FT.
GROUND COVER % : 12.5%
Existing:
76,964 S.F.±
SEE PLAN
SEE PLAN
SEE PLAN
2.8% ±
Proposed:
76,964 S.F.±
SEE PLAN
SEE PLAN
SEE PLAN
3.5% ±
ORIGINAL SIGNED AND STAMPED COPIES OF THIS PLAN MAY BE PHOTOCOPIED BY THE BOARD OF APPEALS OR THE NANTUCKET REGISTRY OF DEEDS FOR RECORDING PURPOSES. IN CASES OF DISCREPANCIES REGARDING INFORMATION CONTAINED HEREON AND UNAUTHORIZED PHOTOCOPIES OF THIS PLAN, ONLY ORIGINALLY STAMPED AND ENDORSED COPIES SHALL BE ACKNOWLEDGED BY THE CERTIFYING LAND SURVEYOR.
THIS INSPECTION PLAN WAS PREPARED TO ACCOMPANY AN APPLICATION TO THE NANTUCKET BOARD OF APPEALS AND IS NOT TO BE CONSIDERED A FULL INSTRUMENT SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES. FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD.
THIS INSPECTION PLAN IS NOT A CERTIFICATION AS TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF NANTUCKET ASSESSOR RECORDS.
THIS PLAN SHALL NOT BE USED FOR ANY OTHER PURPOSE OTHER THAN ITS INTENDED USE STATED ABOVE.
© Blackwell & Associates Inc.
Proposed Conditions
Site Plan to Accompany
Zoning Board of Appeals
Application
in Nantucket, MA
SCALE: 1"= 30' DATE: AUGUST 14, 2012
BRIAN RICE
ROBERT GOLDRICH
Owners:
Cert. of Title: #20897 Plan: L.C.C. 32313-C, LOT 6
L.C.C. 32312-B, LOT 2
Tax Map-Parcel: 41-202
Locus: 41 CROOKED LANE
BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026
LEGEND
DENOTES EXIST. COUNTY ROAD BOUND
DENOTES EXIST. WIRE TERMINAL
DENOTES EXIST. ELECTRIC HAND HOLE
AL DENOTES EXIST. AREA LIGHT
DENOTES EXIST. UTILITY POLE
UG-LP DENOTES EXIST. UNDERGROUND LP TANK
DENOTES EXIST. WATER METER
DENOTES EXIST. WATER SHUT-OFF
25 DENOTES EXIST. GRADE CONTOUR
+25.3 DENOTES EXIST. GRADE SPOT ELEVATION
S.W. DENOTES EXIST. STONE WALL
VGC DENOTES EXIST. VERTICAL GRANITE CURB
A/C DENOTES EXIST. HVAC UNIT
BVW#1 DENOTES EXIST. BORDERING VEGETATED WETLAND FLAG
DENOTES EXIST. WETLAND DELINEATION BY: KJP LANDSCAPE & ENVIRONMENTAL SERVICES
B.M. DENOTES EXIST. SITE BENCHMARK: CORNER OF BRICK STEP. ELEV.=16.17', '34 H.T.L. DATUM
41-203.2
N/F
DIANE HERLINGER
DEED BK. 971, PG. 178
PLAN FILE 29-M, LOT C
S79°25'01"E
472.49'
L.C.C. 32312-B
N11°01'40"W
148.28'
41-534
N/F
CATHERINE E. CONTE
CERT. #22863
L.C.C. 32313-B
LOT 4
N11°01'40"W
53.00'
50.00'
S86°20'00"W
N03°40'00"W
14.90'
83.23'
N86°37'13"W
N83°08'50"W
267.03'
41-201.1
N/F
CATHERINE E. CONTE
DEED BK. 1121, PG. 146
41-201
N/F
SIXTY-ONE MADAKET ROAD
NOMINEE TRUST
CERT. #17664
L.C.C. 32313-C, LOT 5
L.C.C. 32312-B, LOT 1
41-201.2
N/F
SUMMER SALT, LLC
CERT. #24223
L.C.C. 32313-B
LOT 2
41-201.3
N/F
ANNE K. MENDELSOHN
CERT. #16750
L.C.C. 32313-B
LOT 1
REMOVABLE STORAGE SHED
EXIST. 1 STY. W/F DWELLING 812 S.F.±
STEPS
EXIST. SHELL DRIVEWAY
EXIST. BLOCK APRON
EXIST. EDGE OF PAVEMENT
PROPOSED ADDITION ±497 S.F.
REMOVE EXIST. STEPS AND BAY WINDOW
EXIST. 2 STY. W/F DWELLING 1,162 S.F.±
CHIMNEY
STONE PATIO
SCREEN PORCH
EXIST. GATE
S02°45'19"W
84.37'
15.78'±
S15°57'19"W 77.09'
CROOKED LANE
EXIST. EDGE OF PAVEMENT
BVW#1
BVW#2
BVW#3
BVW#4
BVW#5
BVW#6
BVW#7
BVW#8
BVW#9
T:\CHRIS 1 JOB 25
V:\DRAWFILES\B7569\ZBA.dwg 8/16/2012 6:37:25 PM EDT
B7569

138818

2014 00146762
Cert: 20897 Doc: MSP
Registered: 12/29/2014 02:10 PM

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MASSACHUSETTS 02554

Date: December 8, 2014

To: Parties in Interest and Others concerned with the Decision of The BOARD OF APPEALS in the Application of the following:

Application No: 52-14

Current Owner/Applicant: BRIAN RICE & ROBERT GOLDRICH

Enclosed is the Decision of the BOARD OF APPEALS which has this day been filed with the office of the Nantucket Town Clerk.

An Appeal from this Decision may be taken pursuant to Section 17 of Chapter 40A, Massachusetts General Laws.

Any action appealing the Decision must be brought by filing a complaint in Land Court within TWENTY (20) days after this day's date. Notice of the action with a copy of the complaint and certified copy of the Decision must be given to the Town Clerk so as to be received within such TWENTY (20) days.

Eleanor W. Antonietti,
Zoning Administrator

cc: Town Clerk
Planning Board
Building Commissioner/Zoning Enforcement Officer

PLEASE NOTE: MOST SPECIAL PERMITS AND VARIANCES HAVE A TIME LIMIT AND WILL EXPIRE IF NOT ACTED UPON ACCORDING TO NANTUCKET ZONING BY-LAW SECTION 139-30 (SPECIAL PERMITS); SECTION 139-32 (VARIANCES). ANY QUESTIONS, PLEASE CALL THE NANTUCKET ZONING BOARD OF APPEALS OFFICE AT 508-325-7587.

NANTUCKET ZONING BOARD OF APPEALS
2 Fairgrounds Road
Nantucket, Massachusetts 02554

Assessor Map 41, Parcel 202
41 Crooked Lane
Residential 20 (R-20)

Certificate of Title No. 20897
Land Court Plan No. 32312-B
Land Court Plan No. 32313-C
Lots 2 and 6, respectively

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Thursday, September 11, 2014, at 1:00 P.M., Four Fairgrounds Road, Nantucket, Massachusetts, the Board made the following decision on the application of **BRIAN RICE and ROBERT GOLDRICH**, c/o Sarah F. Alger, P.C., Two South Water Street, Nantucket, Massachusetts 02554. **File No. 052-14**:

2. The Applicant is requesting modification of the previously issued Special Permit to substitute a revised as-built site plan showing the addition sited about 15.7 feet from the front yard lot line. Zoning Board of Appeals Decision 054-12, dated October 10, 2012, registered with Nantucket Registry District as Document No. 138818 (the "2012 Decision") granted relief allowing the alteration and extension of the preexisting nonconforming structure on the Locus and specifically allowed the addition to be "no closer than 15.78 feet from the front yard lot line." In the alternative, Applicant requests a new Special Permit.

The Locus is located at 41 Crooked Lane, is shown on Nantucket Tax Assessor's Map 41 as Parcel 202, is shown as Lot 2 on Land Court Plan 32312-B and as Lot 6 on Land Court Plan 32313-C, and is located in the Residential-Twenty (R-20) zoning district.

3. Our decision is based upon the application and accompanying materials, representations, and testimony received at our public hearing. There was no Planning Board recommendation on the basis that no matters of planning concern were presented.

4. Attorney Sarah F. Alger represented the Applicant at the hearing. Attorney Alger explained to the Board that the Applicant is seeking to modify the 2012 Decision by substituting the plan drawn by Blackwell & Associates, Inc., dated January 31, 2014, revised August 6, 2014, entitled, "SE48-2484 Site Plan of Land" (the "2014 As-Built"), for the "Proposed Conditions Site Plan" attached to the 2012 Decision (the "2012 Site Plan").

In the alternative, the Applicant seeks a special permit under Nantucket Zoning By-law (the "By-law") §139-33.A.(1)(a) to allow the extension, alteration, or change to the preexisting, nonconforming dwelling which violates the front yard setback distance, where the nonconforming setback distance is not being made more nonconforming, based upon a finding that the extension will not be substantially more detrimental to the neighborhood than the existing nonconformity.

Pursuant to the 2012 Decision the Applicant constructed an addition to such structure that is within the front yard setback but that does make the nonconforming distance more nonconforming. Such structure is located within the required thirty-five foot front yard setback, but it, the other structures on the Locus, and the Locus itself otherwise conform to all dimensional requirements of the By-law. The dwelling has front yard setback at its closest point to Crooked Lane of about 3.60 feet, where a minimum setback of 30 feet is required. The addition was shown on the 2012 Site Plan as having proposed front yard setback of about 15.78 feet, while the addition as built has a front yard setback of about 15.70 feet as shown on the 2014 As-Built, a difference of one inch.

5. Therefore, after a discussion with the Applicant and taking testimony from the public, the Board finds that modifying such Special Permit relief pursuant to By-Law §§139-33.A to substitute the 2014 As-Built for the 2012 Site Plan and to grant Special Permit relief to allow construction of the project as shown on the 2014 As-Built, would be consistent with the 2012 Decision and in harmony with the general purposes and intent of the By-law and would not be substantially more detrimental to the neighborhood than the relief previous granted in the 2012 Decision, particularly given the *de minimus* nature of the change.

6. Accordingly, by a UNANIMOUS vote, pursuant to By-Law §§139-33.A, the Board of Appeals hereby grants the modification of the previously granted Special Permit relief to substitute the the 2014 As-Built for the 2012 Site Plan and grants Special Permit relief to allow the project to be as shown on the 2014 As-Built, upon the following conditions:

(a) The project shall be in substantial conformity with the 2014 As-Built, a reduced copy of which is attached hereto as Exhibit A.

(b) Except as hereby modified the relief granted by this Board in the 2012 Decision remains in full force and effect.

SIGNATURE PAGE TO FOLLOW

Assessor Map 41, Parcel 202
41 Crooked Lane
Residential 20 (R-20)

Certificate of Title No. 20897
Land Court Plan No. 32312-B
Land Court Plan No. 32313-C
Lots 2 and 6, respectively

Dated: December 4, 2014

Edward Toole

Lisa Botticelli

Kerim Koseatac

Michael Angelastro

Geoffrey Thayer

I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11

TOWN CLERK

ATTEST: A TRUE COPY

NANTUCKET TOWN CLERK

Dec 29 2014

COMMONWEALTH OF MASSACHUSETTS

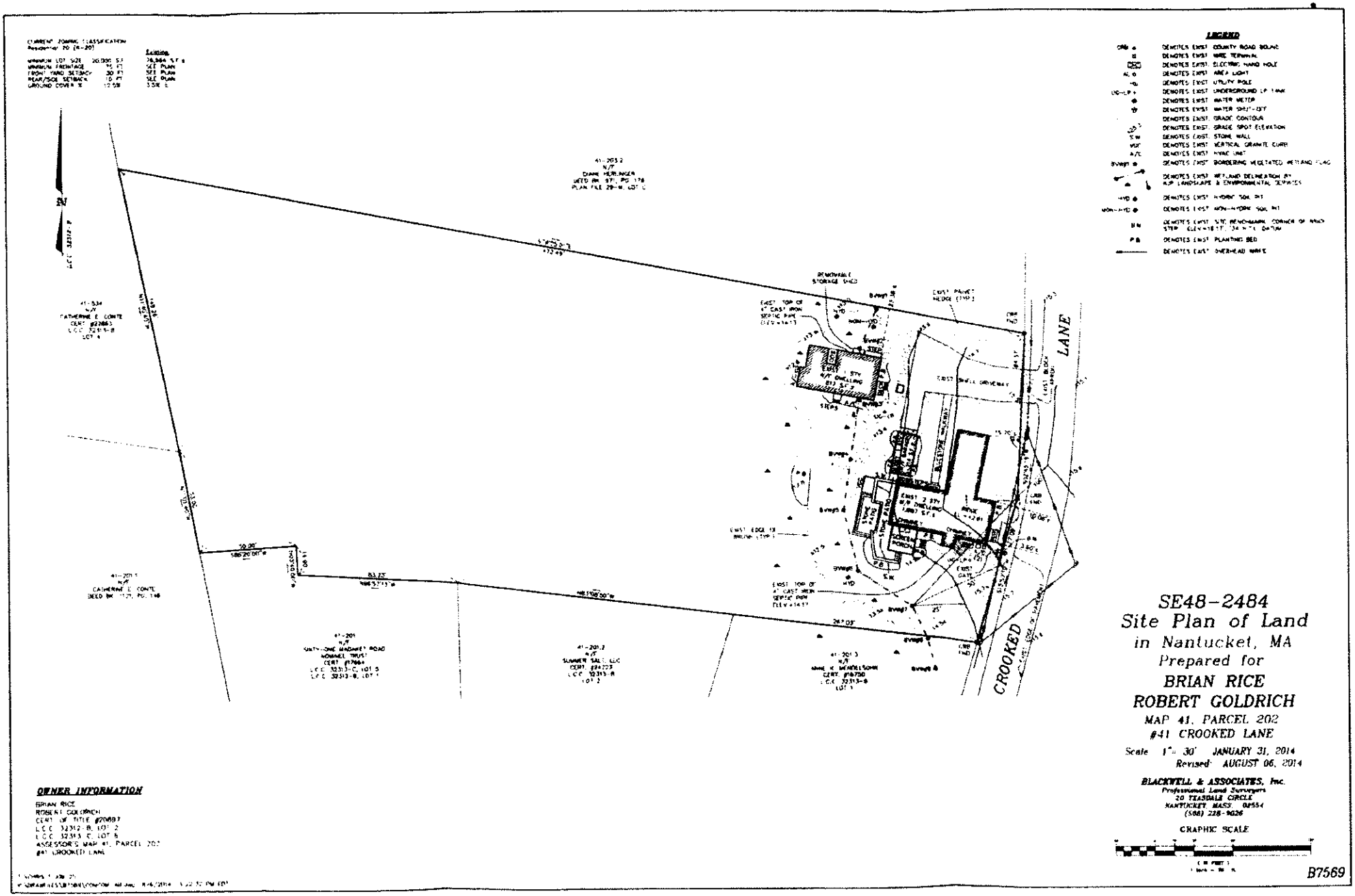
County of Nantucket, ss

On the 4th day of December, 2014, before me, the undersigned notary public, personally appeared Geoffrey Thayer, one of the above-named members of the Zoning Board of Appeals of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that he signed the foregoing instrument voluntarily for the purposes therein expressed.

Lynell D Vollans
Official Signature and Seal of Notary Public
My commission expires:

LYNELL D. VOLLANS
Notary Public
Commonwealth of Massachusetts
My Commission Expires
December 28, 2018

4



146762

"EXHIBIT A"

Gregory Siemon & Ann Cameron Kalb SWART,
Trustees of
Swart 2004 Trust

94 QUIDNET RD.

FILE NO. 11-21

SPECIAL PERMIT

NANTUCKET TOWN CLERK
2021 MAY 11 AM 11:52

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

RECEIVED FOR
CHK# 5748
MAY 11 2021
$450 —
BUILDING REVIEW

Zoning Board of Appeals
MAY 11 2021
RECEIVED

APPLICATION

Fee: $450.00 **File No. 11-21**

Owner's name(s): Gregory Siemon Swart and Ann Cameron Kalb Swart, Trustees of the Swart 2004 Trust.

Mailing address: c/o Cohen & Cohen Law PC, 34 Main Street, Nantucket MA 02554

Phone Number: 508-228-0337 E-Mail: Steven@CohenLegal.net

Applicant's name(s) SAME

Mailing Address: _____

Phone Number:_____ E-Mail:_____

Locus Address: 94 Quidnet Road Assessor's Map/Parcel: 21-107

Land Court Plan: Lot 1 on LCP 8606-A, Lot 31 on LCP 8606-B, and Book 20, Page 19.

Deed Reference/Certificate of Title: COT 26749 and Book 1628 Page 272

Zoning District R-20 and LUG-3

Uses on Lot- Commercial: None__x_ Yes (describe) _____
Residential: Number of dwellings__1_____ Duplex _____ Apartments _____
Date of Structure(s): all pre-date 7/72 yes 1903 or _____
Building Permit Numbers: _____
Previous Zoning Board Application Numbers:_____

State below or attach a separate addendum of specific special permits or variance relief applying for: See attached.

I certify that the information contained herein is substantially complete and true to the best of my knowledge, under the pains and penalties of perjury.

SIGNATURE:_____ Owner*

SIGNATURE: Applicant/Attorney/Agent*

*If an Agent is representing the Owner or the Applicant, please provide a signed proof of agency.

OFFICE USE ONLY

Application received on:__/__/__ By:_____ Complete:____ Need Copies:_____
Filed with Town Clerk:_/_/_ Planning Board:_/_/_ Building Dept.:_/_/_ By:___
Fee deposited with Town Treasurer:_/_/_ By:___ Waiver requested:____
Granted:__/__/__ Hearing notice posted with Town Clerk:_/_/__ Mailed:__/__/__
I&M__/__/__ &__/__/__ Hearing(s) held on:__/__/__ Opened on :__/__/__
Continued to:__/__/__ Withdrawn:__/__/__ Decision Due By:__/__/__
Made:__/__/__ Filed w/Town Clerk:__/__/__ Mailed:__/__/__

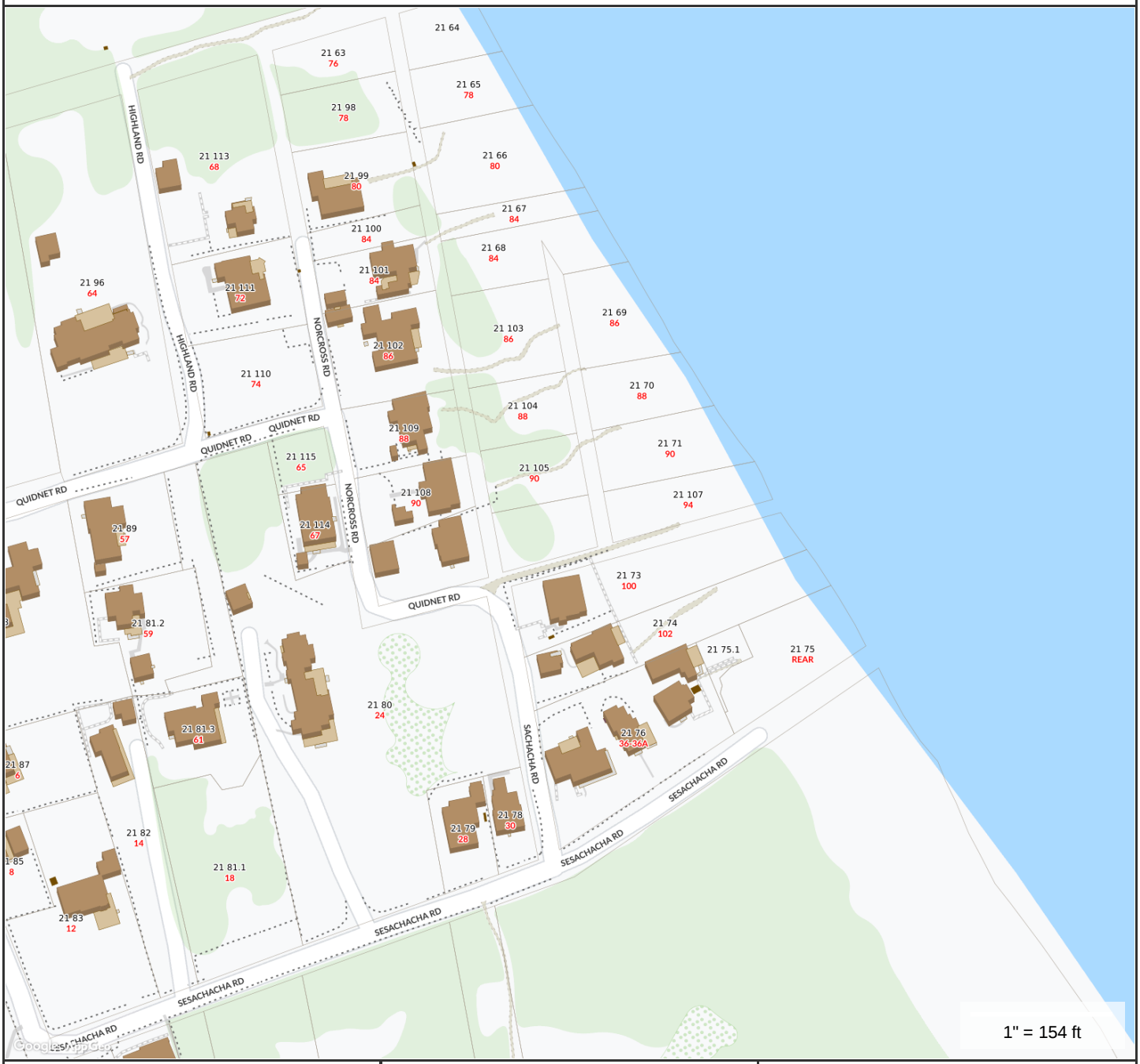
94 Quidnet Road a pre-existing nonconforming property in the R-20 and LUG-3 Districts. It is comprised of three parcels, separated by two so-called paper roads (unconstructed but legally laid out Ways). The western most parcel is a lot of 7,361 SF in the R-20 district where 20,000 SF of lot are is required. It contains a historic two-story dwelling and a garage. The garage is as much a 0.4' over the western lot line into Quidnet Road, where the required side yard setback is 10'. The dwelling is as much as 0.7' over the rear lot line into a private property, where the required rear yard setback is 10'. The dwelling is as close as 16.7' to the front lot line, also on Quidnet Road, where the required front yard setback is 30'. The existing ground cover of 1597 SF (922 SF for the dwelling and 675 SF for the garage) yields a ground cover ratio of 21.7% for this parcel, where a 12.5% CGR (920 SF) or 1,500 SF of alternative minimum ground cover is allowed. These nonconformities predate the adoption of the Nantucket Zoning Bylaw in 1972 and the parcel is otherwise dimensionally conforming.

The remainder of the property is land vacant and is essentially unbuildable due to wetland protections. The middle parcel is in the R-20 district and has a lot area of 6,299 SF where 20,000 SF is required. The easterly parcel is in the LUG-3 District and has a lot area of 9,352 where 120,000 SF is required. The paper roads between these lots contain 2,017 SF of lot area, but are not yet owned by the Applicant. Aggregated, the Applicant would have 25,029 SF of lot area, which would allow for 3,128.6 SF of ground cover, which is an allowance that is nearly double the existing ground cover, but the non-ownership of the paper roads and the non-contiguity of the parcels prevent this under the zoning bylaw.

Applicant proposes to add a small one-story addition to the western side of the existing dwelling. No changes are proposed within the zoning setback and the addition is about 162+/- SF, which includes a 20 SF bulkhead that is excluded from ground cover, so it is approximately 142 SF of new ground cover, which would yield a total ground cover of 1739 SF, which is a ground cover ratio of 23.6%, but only 239 SF over the 1,500 SF allowed for the western parcel. This is nearly1,400 SF of ground cover less than would be allowed if the parcels were connected. If the parcels were joined, the proposed ground cover ratio would be 6.9% where 12.5% is allowed.

Pursuant to Zoning Bylaw 133-39.A.2, the Board of Appeals may grant relief by Special Permit for the extension, alteration, or change to an existing structure that will result in an increase in the pre-existing nonconforming ground cover ratio of a lot if it determines that the increase in ground cover ratio will not be substantially more detrimental to the neighborhood than the existing nonconformity, that the resulting ground cover ratio is consistent with the character of the surrounding neighborhood, and that the action is conforming to other dimensional requirements of the bylaw. That is the case here – the proposed change is otherwise conforming, is not detrimental to the neighborhood in any way, and is approved by the Historic District Commission as being historically appropriate for the lot and the neighborhood.

For the foregoing reasons, the applicant seeks relief under Section 133-39.A.2 for an addition, as proposed by the Historic District Commission, with a total ground cover not to exceed 1750 SF (the requested relief is slightly larger than the proposed plan to allow for on-site variation that is common).

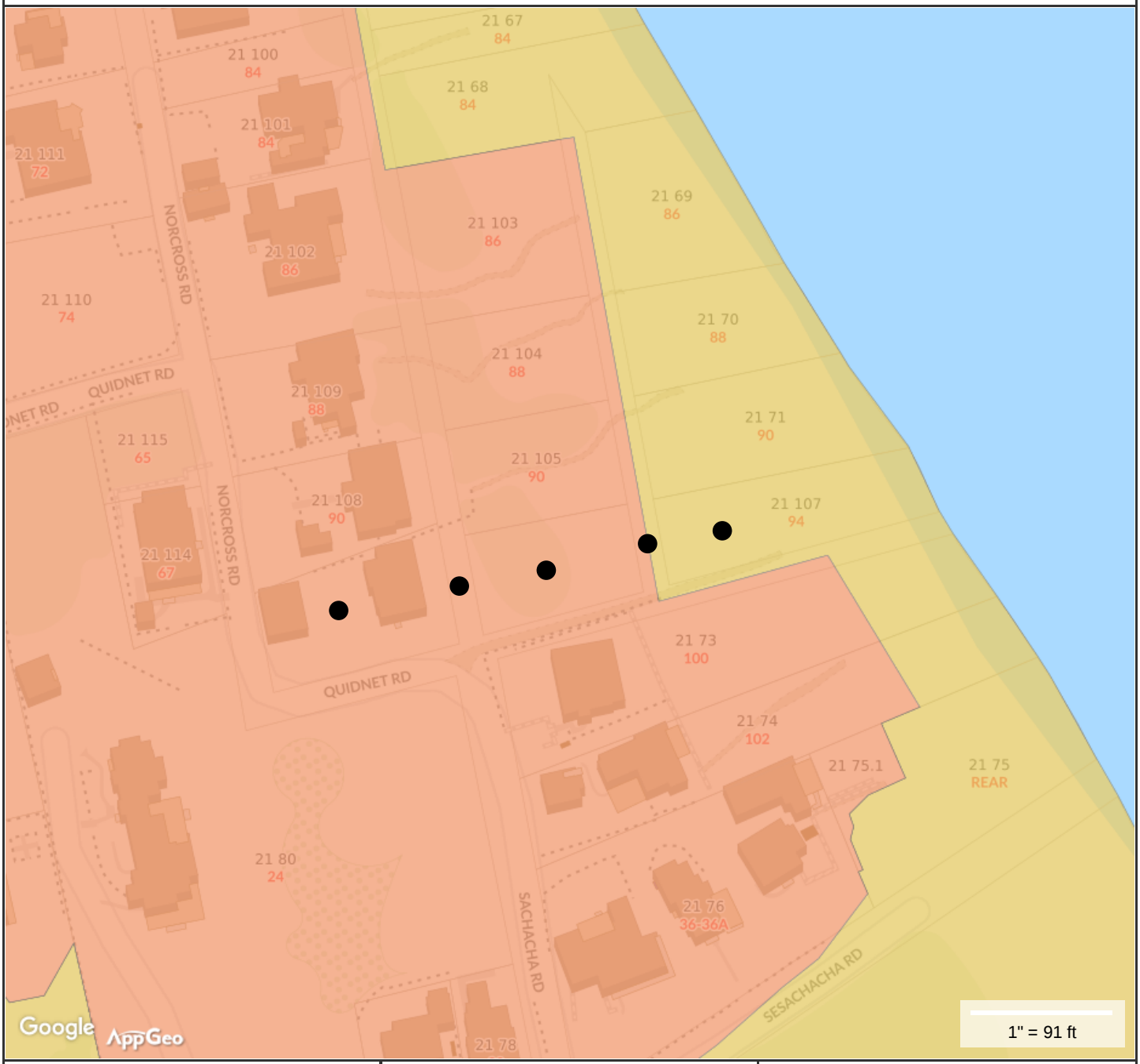


MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated Jan. 2021
Data updated Jan. 2021

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated Jan. 2021
Data updated Jan. 2021

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

Map Theme Legends

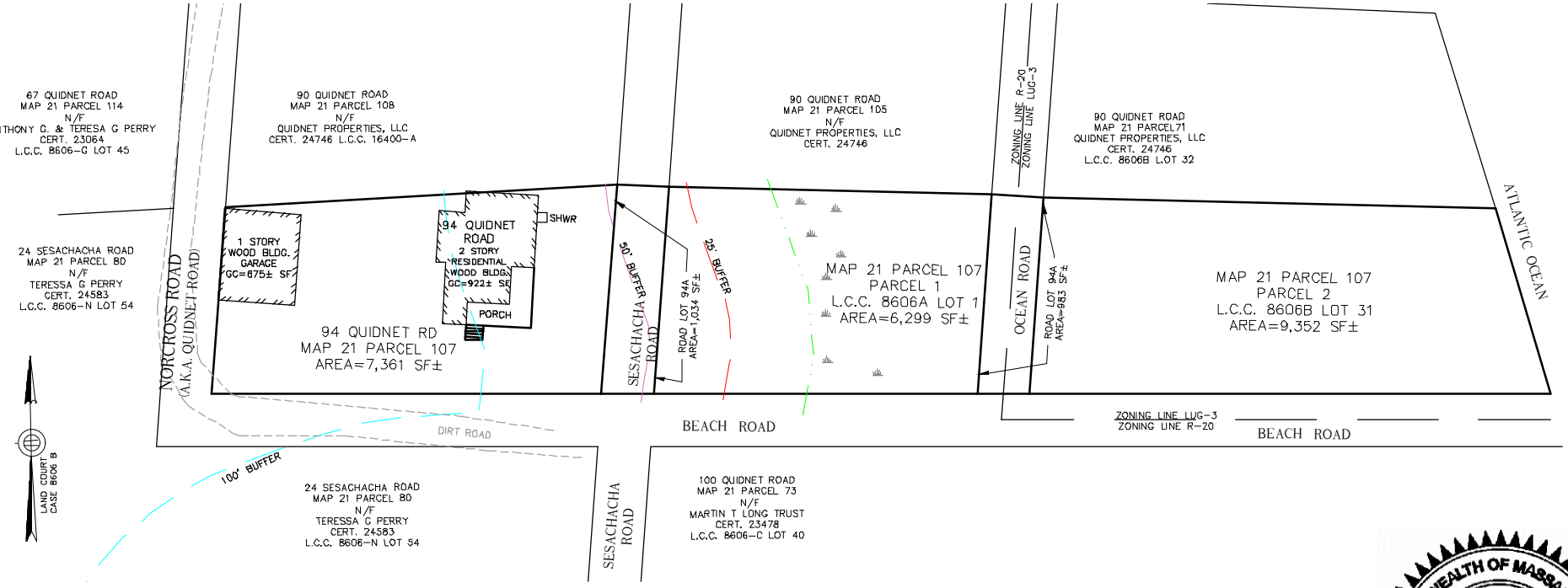
Zoning

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated Jan. 2021
Data updated Jan. 2021

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



ZONING REQUIREMENTS:

THE SITE IS ZONED RESIDENTIAL 20 (R20) & LIMITED USE GENERAL 3 (LUG3)

	R20 REQUIRED	LUG3 REQUIRED
LOT AREA	20,000 S.F.	120,000 S.F.
LOT FRONTAGE	75 FT.	200 FT.
FRONT YARD SETBACK	30 FT.	35 FT.
REAR YARD SETBACK	10 FT.	20 FT.
SIDE YARD SETBACK	10 FT.	20 FT.
MAX. GROUND COVER RATIO	12.5 %	3 %

COMMONWEALTH OF MASSACHUSETTS
JOSEPH E. MARCKLINGER
No. 30330
REGISTERED PROFESSIONAL LAND SURVEYOR

50 0 25 50

SCALE: 1 INCH = 50 FEET

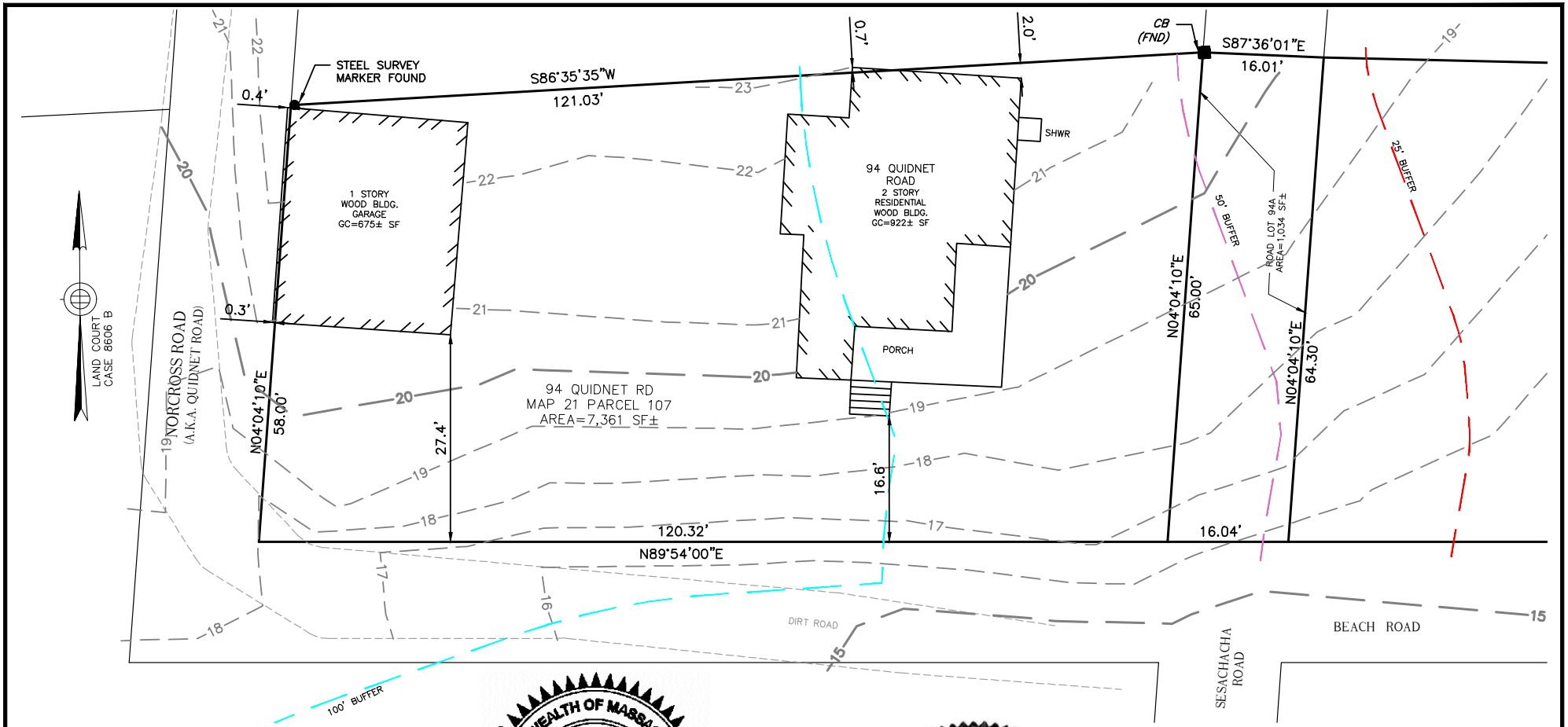
J. MARCKLINGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
P.O. BOX 896
NANTUCKET, MA. 02554
(310) 945-7054

SITE DESIGN ENGINEERING, LLC.
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
T: 508-967-0673
F: 508-967-0674
WWW.SDE-LDEC.COM

OVERALL EXISTING CONDITIONS PLAN

94 QUIDNET ROAD
ASSESSOR'S MAP 21 , PARCEL 107
NANTUCKET , MASSACHUSETTS

DATE: MAY 10, 2021			REV. DATE:
PROJ.#: 15004	SCALE : 1" = 50'	DRAWN BY: SKD	CHECK BY: DCM
ISSUED FOR : APPROVAL			
PREPARED FOR: ANN SWART			



J. MARCKLINGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
P.O. BOX 896
NANTUCKET, MA. 02554
(310) 945-7054

COMMONWEALTH OF MASSACHUSETTS
JOSEPH E. MARCKLINGER
No. 30330
REGISTERED PROFESSIONAL LAND SURVEYOR

COMMONWEALTH OF MASSACHUSETTS
DANIEL C. MULLOY
CIVIL
No. 41757
REGISTERED PROFESSIONAL ENGINEER

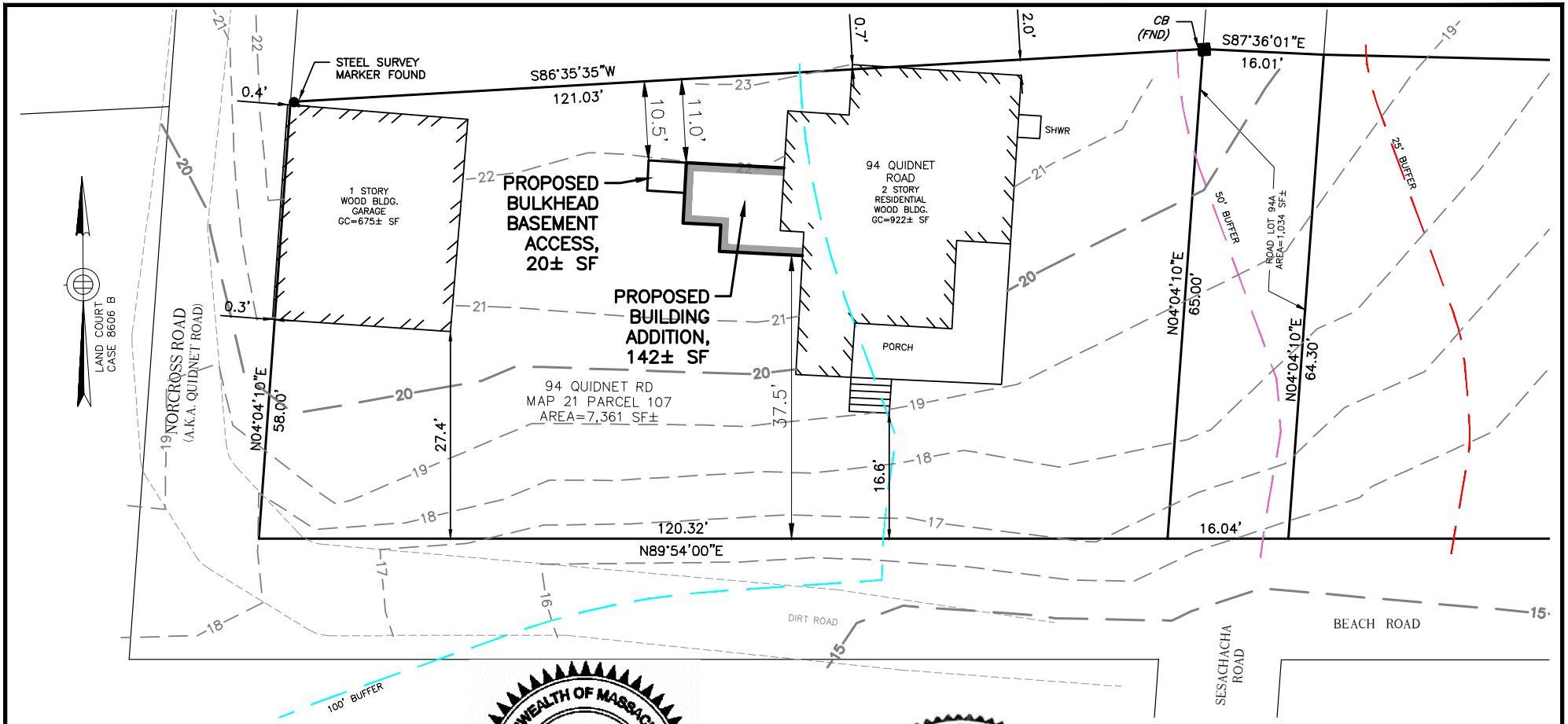
20 0 10 20
SCALE: 1 INCH = 20 FEET

SITE DESIGN ENGINEERING, LLC.
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
T: 508-967-0673
F: 508-967-0674
WWW.SDE-LDEC.COM

DETAIL EXISTING CONDITIONS PLAN

94 QUIDNET ROAD
ASSESSOR'S MAP 21 , PARCEL 107
NANTUCKET , MASSACHUSETTS

DATE: MAY 10, 2021			REV. DATE:
PROJ.#: 15004	SCALE : 1" = 20'	DRAWN BY: SKD	CHECK BY: DCM
ISSUED FOR : APPROVAL			
PREPARED FOR: ANN SWART			



COMMONWEALTH OF MASSACHUSETTS
JOSEPH E. MARCKLINGER
No. 30330
REGISTERED PROFESSIONAL LAND SURVEYOR

COMMONWEALTH OF MASSACHUSETTS
DANIEL C. MULLOY
CIVIL
No. 41757
REGISTERED PROFESSIONAL ENGINEER

J. MARCKLINGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
P.O. BOX 896
NANTUCKET, MA. 02554
(310) 945-7054

20 0 10 20
SCALE: 1 INCH = 20 FEET

SITE DESIGN ENGINEERING, LLC.
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
T: 508-967-0673
F: 508-967-0674
WWW.SDE-LDEC.COM

PROPOSED SITE PLAN

94 QUIDNET ROAD
ASSESSOR'S MAP 21 , PARCEL 107
NANTUCKET , MASSACHUSETTS

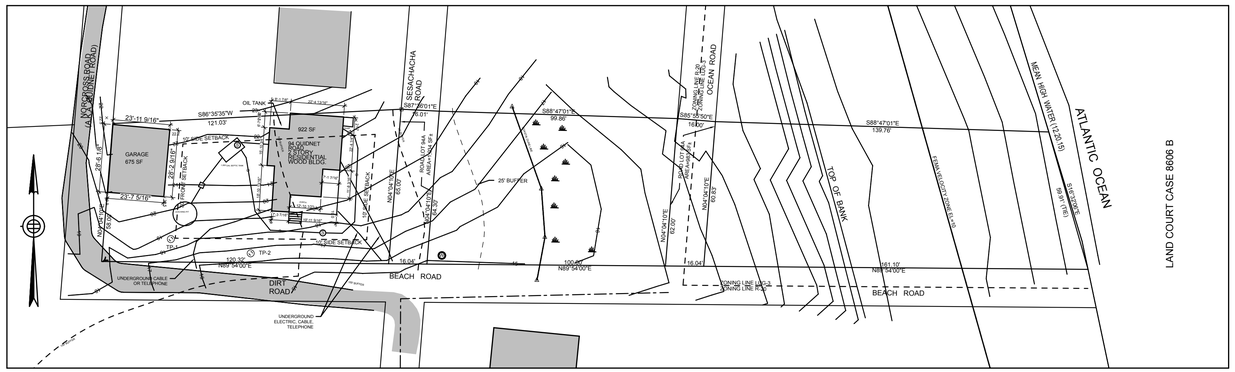
DATE: MAY 10, 2021			REV. DATE:
PROJ.#: 15004	SCALE : 1" = 20'	DRAWN BY: SKD	CHECK BY: DCM
ISSUED FOR : APPROVAL			
PREPARED FOR: ANN SWART			

Southwest Perspective

Locus

A Proposed Addition to the
Swart Residence

94 Quidnet Road
Nantucket , Massachusetts



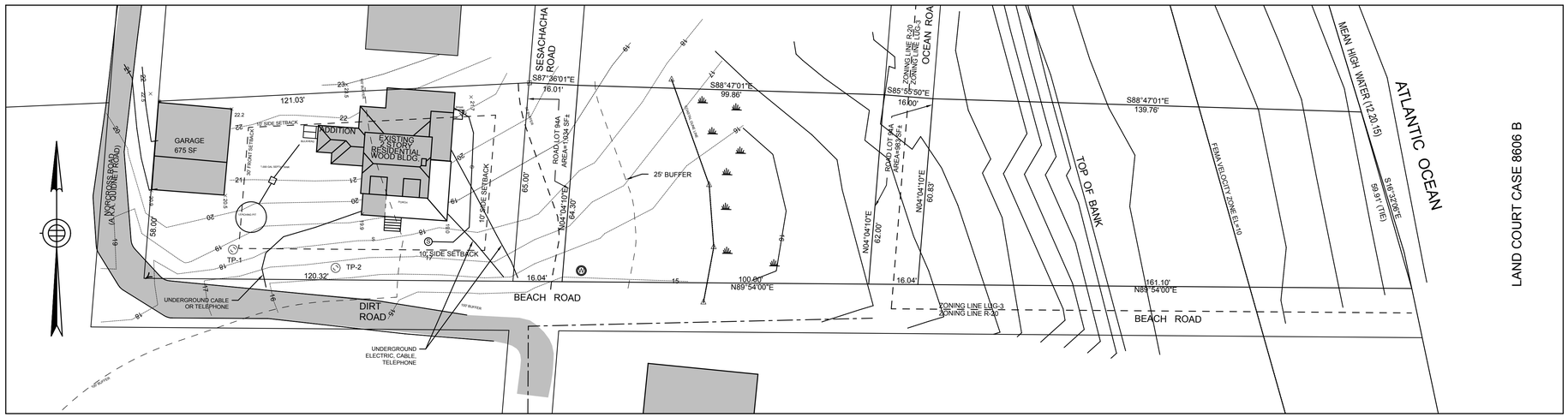
Existing Site Plan

SCALE: 1" = 30'

Southeast Perspective

DRAWING INDEX		
ARCHITECTURAL	A0.0	COVER SHEET, SITE PLAN, LOCUS
	A1.1	FIRST FLOOR PLAN/ SCHEDULES
	A1.2	SECOND FLOOR PLAN
	A2.1	ELEVATIONS
	A2.2	ELEVATIONS

ZONING DISTRICT- R20	
MINIMUM LOT SIZE:	20,000 SF
MINIMUM FRONTAGE:	75 FT
FRONT YARD SETBACK:	30 FT
REAR/SIDE SETBACK:	10 FT
GROUND COVER RATIO:	12.5% or 3128 SF
EXISTING HOUSE G.C.R.- 905 SF	
EXISTING GARAGE G.C.R.- 686 SF	
PROPOSED ADDITION G.C.- 162 SF	
TOTAL G.C. = 1753 SF	



Site Plan-Proposed

SCALE: 1" = 20'

ISSUES/REVISION	DATE
HDC AS BUILTS	5/04/16
HDC 1	6/9/20
	10/30/20

A Proposed Addition to the Swart Residence
94 Quidnet Road
Nantucket, Massachusetts
Map & Parcel 21- 107

USE OF DRAWING

This drawing is the sole property of the Designer and is to be used for the identified project and is not to be loaned, altered, transferred, copied, or reproduced without the written consent and permission of the Designer. This drawing is to be returned to the Designer upon request.

© Thornewill Design LLC 2020

Thornewill Design LLC
48 Dukes Road
Nantucket, Ma. 02554
Tele. 508 228 9161 Fax 508 228 3165

Project No:
Designed by: LT
Drawn by: PH
Checked by: LT

Sheet No:

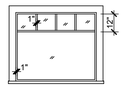
A0.0

Contents:
Cover- House

EXISTING WINDOWS

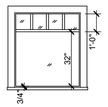
(A) PICTURE WINDOW, FIXED, SASH 4'-6" x 3'-10", ADL SINGLE GLAZE w/ 1" MUNTINS, PUTTY GLAZE EXT., WOOD STORM ON EXT, WITH SINGLE GLASS

(2) UNITS

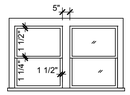


(B) PICTURE WINDOW, FIXED, SASH 3'-8" x 4'-2", ADL SINGLE GLAZE w/ 1 1/2" MUNTINS, PUTTY GLAZE EXT., WOOD STORM ON EXT, WITH SINGLE GLASS

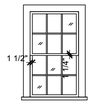
(1) UNIT



(C) BROSCO 2'-8" x 3'-9" DBH UNIT, SINGLE GLAZING - PLASTIC JAMB LINER

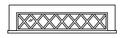


(D) DBH 6/6 WINDOW, ADL SINGLE GLAZE, PUTTY GLAZE EXT., ROPE PULLEY, 3/4" MUNTIN, SASH- 2'-10" x 5'-0"



(E) FIXED TRANSOM UNIT, 1'-0" x 5'-1", ADL SINGLE GLAZE w/ 1" MUNTINS, BULLSEYE GLASS

FIXED WOOD STORM ON EXT
(1) UNIT



NOTE: ALL SASH ESSEX GREEN-
ALL DOORS- ESSEX GREEN
MAHOGANY WOOD STORM & WD SCREEN PANELS - PTD ESSEX GREEN

ALL ALUMINUM STORM SCREEN UNITS REPLACED W/ WOOD

MAHOGANY WOOD STORM SCREEN DOORS ON ALL EXISTING DOORS

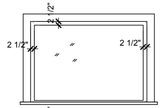
ALL EXISTING WINDOWS REMOVED & RESTORED AS NEEDED.

(F) EXISTING AWNING
3 LITE- 40 1/2" x 13 1/2"
ADL (1) UNIT
REPLACE EXIST GLASS WITH BULLSEYE GLASS

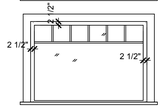
(G) BROSCO 2'-7" x 2'-4" DBH 3/3 UNIT, SINGLE GLAZING

(H) PICTURE UNIT
6'-6" x 4'-6"
(1) UNIT

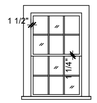
TO BE REPLACED BY H1



(H1) NEW PICTURE UNIT
6'-6" x 4'-6" W/ TOP LITES VENTING TDL
(1) UNIT



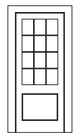
(J) DBH 6/6 WOOD WINDOW, SASH- 2'-10" x 4'-8"
ADL 6/6 SINGLE GLAZE
ROPE PULLEY
(6) UNITS



(K) DBH 6/6 WOOD WINDOW, SASH- 1'-9" x 3'-0"
ADL 6/6 SINGLE GLAZE , 5/8" MUNTINS

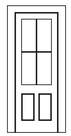
REUSE EXISTING

EXISTING DOORS



KITCHEN DOOR
2'-8" x 6'-8"
12 LITE 1 PANEL
(1)
TO BE REPLACED

FRONT DOOR
2'-8" x 6'-8" x 1 3/4"
4 PANEL
(2)

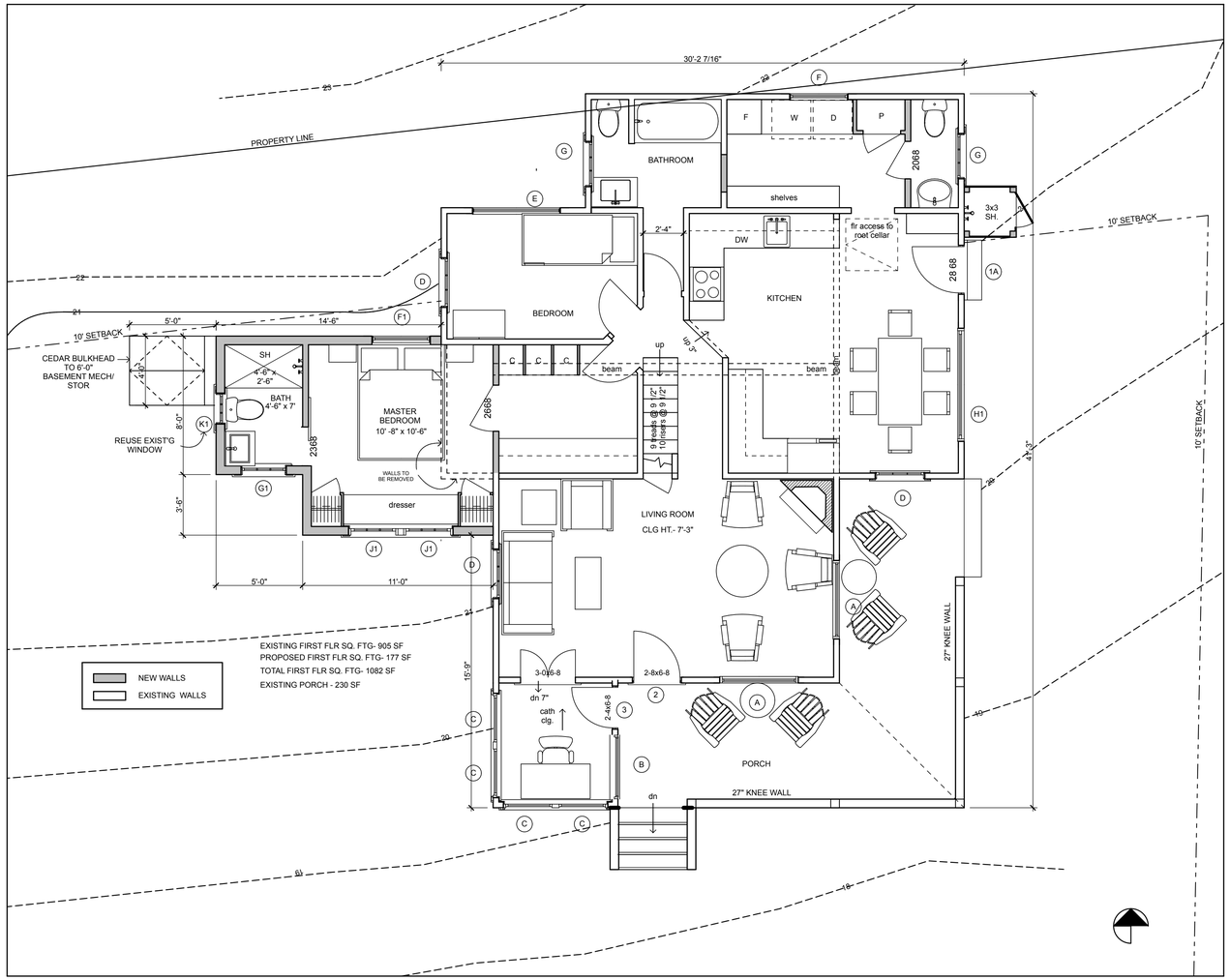


DOOR @ NOOK
2'-4" x 6'-8"
WOOD
4 LITE 2 PANEL
(3)

WINDOW SCHEDULE- NEW WINDOWS @ ADDITION					
ID	**#**	**MANUFACTURER**	**UNIT DIMENSION**	**MIN ROUGH OPNG**	**REMARKS**
K1	2	BOSTON SASH OR EQ. HISTORIC WINDOWS	1'-9" x 3'-0"		6/6 DOUBLE HUNG,WD- MATCH EXISTING " K" ABV
J1	2	BOSTON SASH OR EQ. HISTORIC WINDOWS	2'-10 " x 4'-8"		6/6 DOUBLE HUNG,WD- MATCH EXISTING "J" ABV
F1	1	BOSTON SASH OR EQ. HISTORIC WINDOWS	3'-4 1/2 " x 1'-1 1/2"		AWNING- 3 LITE, WD- MATCH EXISTING "F" ABV
H1	1	BOSTON SASH OR EQ. HISTORIC WINDOWS	6'-6 " x 4'-6"		PICTURE W/ 6 LITES(VENTED), TDL, WD- SEE ABV.
G1	1	BOSTON SASH OR EQ. HISTORIC WINDOWS	2'-7 " x 2'-4"		3/3 DOUBLE HUNG,WD- MATCH EXISTING "G" ABV

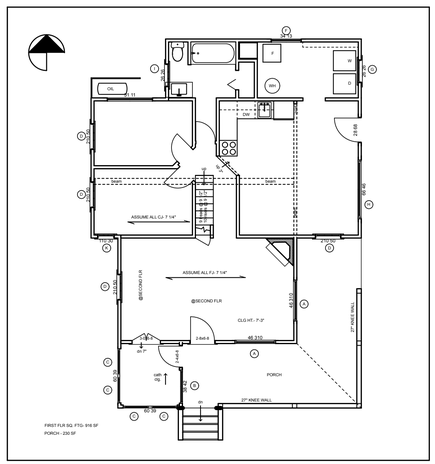
NOTE: ADL, SINGLE GLAZING, CONCEALED WOOD JAMB LINER

DOOR SCHEDULE- NEW					
ID	**#**	**MANUFACTURER**	**UNIT DIMENSION**	**MIN ROUGH OPNG**	**REMARKS**
1A	1		2'-8" x 6'-8"		9 LITE ABV/ 2 PANEL BELOW- TDL GLASS



First Floor Plan- Proposed

SCALE: 1/4" = 1'-0"



Existing First Floor Plan

SCALE: 1/8" = 1'-0"

ISSUES/REVISION	DATE
HDC AS BUILTS	5/04/16
HDC 1	6/9/20
	10/30/20

A Proposed Addition to the Swart Residence
94 Quidnet Road
Nantucket, Massachusetts
Map & Parcel 21- 107

USE OF DRAWING

This drawing is the sole property of the Designer and is to be used for the identified project only. The use of this drawing shall not be sold, altered, transferred, copied, or reused in any manner without the written permission of the Designer. This drawing is to be returned to the Designer upon request.

© Thornewill Design LLC 2020

Thornewill Design LLC
48 Dukes Road
Nantucket, Ma. 02554
Tele. 508 228 9161 Fax 508 228 3165

Project No:
Designed by: LT
Drawn by: PH
Checked by: LT

Sheet No:
A1.1
Contents:
First Floor Plan

EXISTING GENERAL NOTES:

EXT. WALLS- WHITE CEDAR SHINGLES

EXT. TRIM- PAINTED

WINDOWS- WD

DR & WINDOW TRIM- 1" x 5 CEDAR- PNT

ROOF- ASPHALT SHINGLES

FOUNDATION WALL -CONCEALED RUBBLE W/ PAINTED FIBERBOARD

South Elevation-Existing

SCALE: 1/8" = 1'-0"

GENERAL NOTES:

EXT. WALLS- WHITE CEDAR SHINGLES

EXT. TRIM- PAINTED WHITE

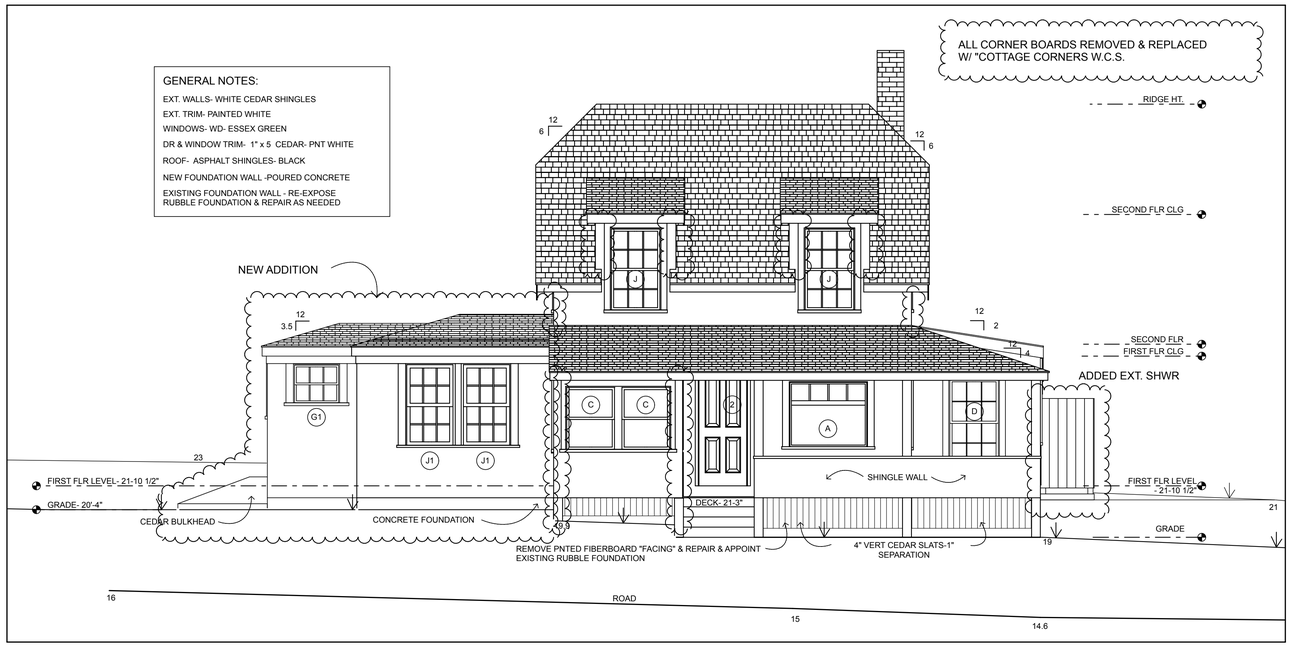
WINDOWS- WD- ESSEX GREEN

DR & WINDOW TRIM- 1" x 5 CEDAR- PNT WHITE

ROOF- ASPHALT SHINGLES- BLACK

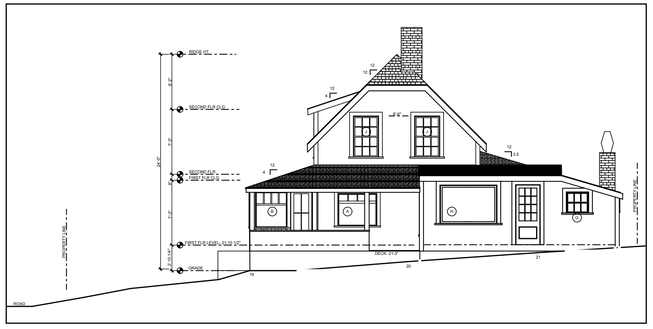
NEW FOUNDATION WALL -POURED CONCRETE

EXISTING FOUNDATION WALL - RE-EXPOSE RUBBLE FOUNDATION & REPAIR AS NEEDED



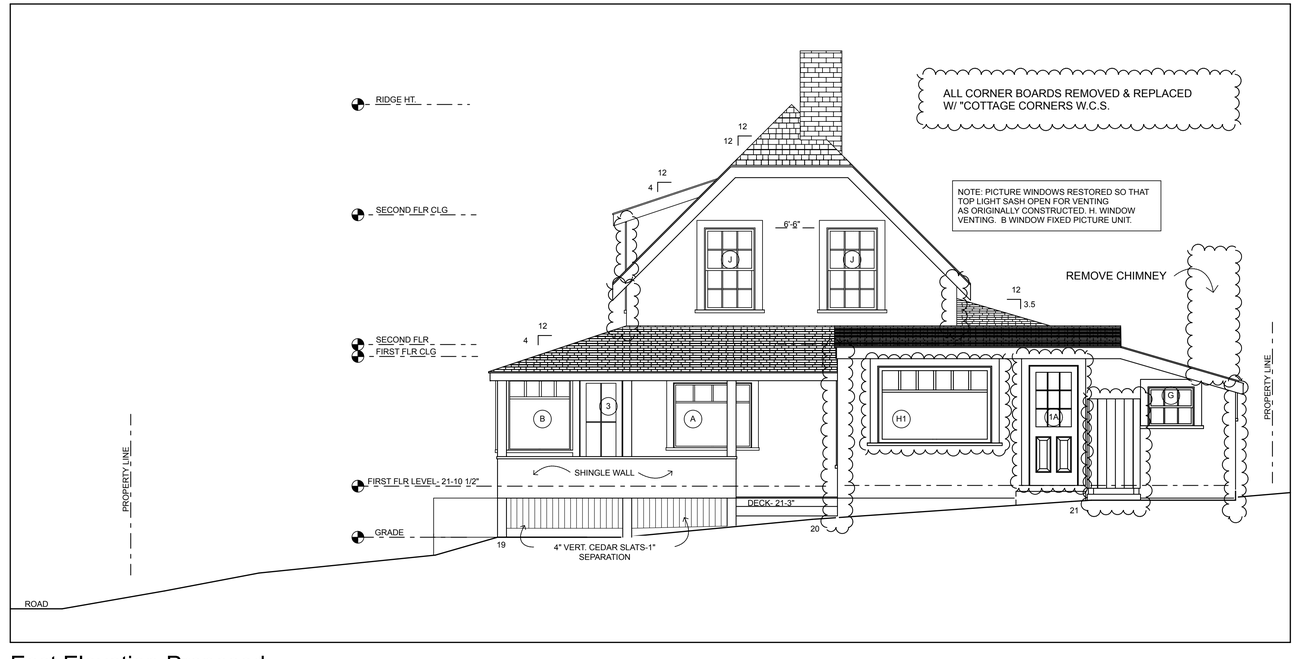
South Elevation-Proposed

SCALE: 1/4" = 1'-0"



East Elevation-Existing

SCALE: 1/8" = 1'-0"



East Elevation-Proposed

SCALE: 1/4" = 1'-0"

ISSUES/REVISION	DATE
HDC AS BUILTS	5/04/16
HDC 1	6/9/20
	10/30/20

A Proposed Addition to the Swart Residence

94 Quidnet Road
Nantucket, Massachusetts

Map & Parcel 21- 107

USE OF DRAWING

This drawing is the sole property of the Designer and is to be used for the identified project only. The contents of this drawing are not to be sold, altered, transferred, copied, or reproduced in any manner without the written permission of the Designer. This drawing is to be returned to the Designer upon request.

© Thornewill Design LLC 2020

Thornewill Design LLC
48 Dukes Road
Nantucket, Ma. 02554
Tele. 508 228 9161 Fax 508 228 3165

Project No:
Designed by: LT
Drawn by: PH
Checked by: LT

Sheet No:

A2.1

Contents: Elevations

EXISTING GENERAL NOTES:

EXT. WALLS- WHITE CEDAR SHINGLES

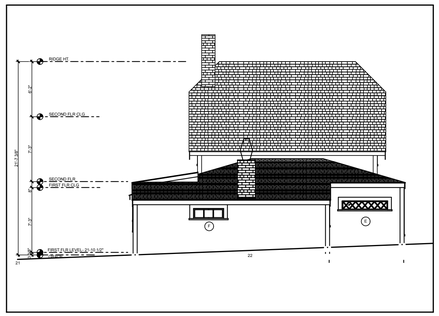
EXT. TRIM- PAINTED

WINDOWS- WD

DR & WINDOW TRIM- 1" x 5 CEDAR- PNT

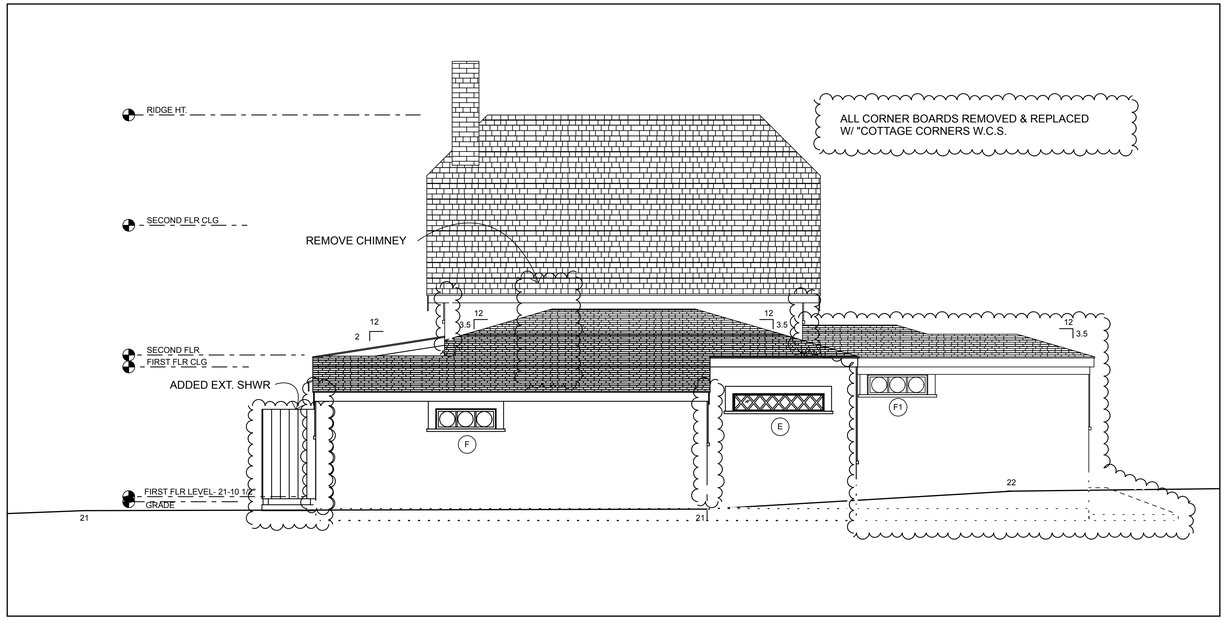
ROOF- ASPHALT SHINGLES

FOUNDATION WALL -CONCEALED RUBBLE W/ PAINTED FIBERBOARD



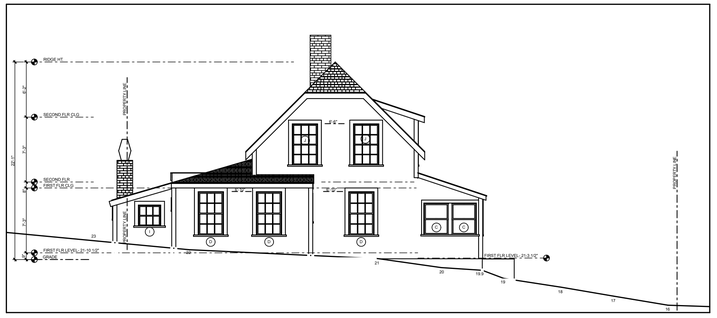
North Elevation-Existing

SCALE: 1/8" = 1'-0"



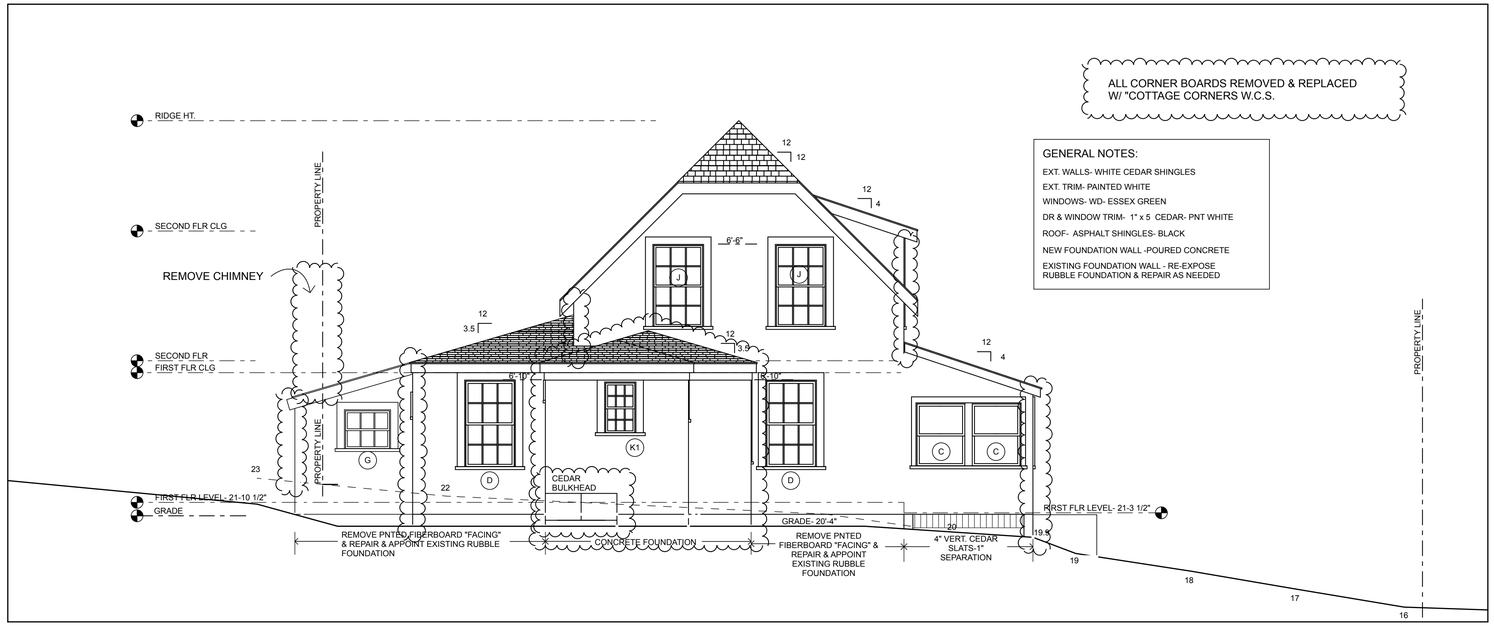
North Elevation-Proposed

SCALE: 1/4" = 1'-0"



West Elevation-Existing

SCALE: 1/8" = 1'-0"



West Elevation-Proposed

SCALE: 1/4" = 1'-0"

ISSUES/REVISION	DATE
HDC AS BUILTS	5/04/16
HDC 1	6/9/20
	10/30/20

A Proposed Addition to the Swart Residence

94 Quidnet Road
Nantucket, Massachusetts

Map & Parcel 21 - 107

USE OF DRAWING

This drawing is the sole property of the Designer and is to be used for the identified project and location only. This drawing and ideas are not to be sold, altered, transferred, copied, or reused in any manner without the written permission of the Designer. This drawing is to be returned to the Designer upon request.

© Thornewill Design LLC 2020

Thornewill Design LLC
48 Dukes Road
Nantucket, Ma. 02554
Tele. 508 228 9161 Fax 508 228 3165

Project No:
Designed by: LT
Drawn by: PH
Checked by: LT

Sheet No:

A2.2

Contents: Elevations

TOWN OF NANTUCKET

Zoning Board of Appeals

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER: Gregory Siemon Swart and Ann Cameron Kalb Swart, Trustees of the Swart 2004 Trust

MAILING ADDRESS: c/o Cohen & Cohen, 34 Main Street, Nantucket

PROPERTY LOCATION: 94 Quidnet Road

ASSESSOR MAP/PARCEL: 21 / 107

SUBMITTED BY Cohen & Cohen Law PC

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of abutting property, owners of land directly opposite on any public or private street or way; and abutters of the abutters and all other land owners within 300 feet of the property line of owner's property, all as they appear on the most recent applicable tax list (M.G.L. c. 40A, Section 11 Zoning Code Chapter 139, Section 139-29B) (2).

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of Nantucket, ou=Assessor's Office, email=rranney@nantucket-ma.gov, c=US
Date: 2021.05.11 09:08:01 -04'00'

5-11-2021
DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
QUIDNET PROPERTIES LLC	C/O HARVEY EISEN	PO BOX 742	MOUNT KISCO	NY	10549	84 QUIDNET RD
QUIDNET PROPERTIES LLC	C/O HARVEY EISEN	PO BOX 742	MOUNT KISCO	NY	10549	84 QUIDNET RD
ACK86QR LLC		86 QUIDNET ROAD	NANTUCKET	MA	02554	86 QUIDNET RD
LISK TIMOTHY E & ELIZABETH A		55 HICKS POINT RD	DUXBURY	MA	02332	88 QUIDNET RD
QUIDNET PROPERTIES LLC	C/O HARVEY EISEN	PO BOX 742	MOUNT KISCO	NY	10549	90 QUIDNET RD
EYER BRADLEY C & ALICIA C TR	MEYER BRADLEY C REV TRUST	649 PONUS RIDGE RD	NEW CANAAN	CT	06840	100 QUIDNET RD
GIGUERE TERESSA D TRST		61 OLD SOUTH RD #133	NANTUCKET	MA	02554	102 QUIDNET RD
NTUCKET ISLANDS LAND BANK		22 BROAD STREET	NANTUCKET	MA	02554	REAR QUIDNET RD
GLIDDEN RICHARD J TR	36D SESACHACHA RD REALTY TRUST	37 CENTER ST	NANTUCKET	MA	02554	QUIDNET RD
SCHLOTT KIM MCMAHON		36B SESACHACHA RD	NANTUCKET	MA	02554	36B SESACHACHA RD
36C SESACHACHA ROAD LLC		124 WASHINGTON ST STE 101	FOXBOROUGH	MA	02035	36C SESACHACHA RD
GLIDDEN RICHARD J TRST	NETHERTHORPE CURRAN	11 AUSTIN STREET	LINCOLNSHIRE	UK	PE9 2QR	36D SESACHACHA RD
WRIGHT ARTHUR & MARILYN		147 HILLYNDALE RD	STORRS	CT	06268	36A SESACHACHA RD
GILDEHAUS PAUL E III ETAL		3931 INTERLAKE AVE NORTH	SEATTLE	WA	98103	30 SESACHACHA RD
QUAISE REALTY LLC	C/O TERESA PERRY	61 OLD SOUTH RD #133	NANTUCKET	MA	02554	28 SESACHACHA RD
PERRY TERESSA G		61 OLD SOUTH RD #133	NANTUCKET	MA	02554	24 SESACHACHA RD
NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	18 SESACHACHA RD
LIPP WENDY		27 SPRING HOUSE RD	POUND RIDGE	NY	10576	59 QUIDNET RD
LAKE VIEW VILLA II LLC		30 PEACHCROFT DR	BERNARDSVILLE	NJ	07924	61 QUIDNET RD
L PERRY EDWARDS III ETAL TR		4 STURGIS PINES	NANTUCKET	MA	02554	14 SESACHACHA RD
LIPP WENDY		27 SPRING HOUSE RD	POUND RIDGE	NY	10576	2 SESACHACHA RD
ROSENFELD ERIC TR	57 QUIDNET ROAD TRUST	4001 N OCEAN BLVD APT 302	GULF STREAM	FL	33483	57 QUIDNET RD
MILLER MARLIN JR TRST	QUIDNET PROPERTY NOM TR	211 NORTH TUPEHOCKEN RD	READING	PA	19601	64 QUIDNET RD
QUIDNET PROPERTIES LLC	C/O HARVEY EISEN	PO BOX 742	MOUNT KISCO	NY	10549	84 QUIDNET RD
QUIDNET PROPERTIES LLC	C/O KEITH M YANKOW	P O BOX 742	MOUNT KISCO	NY	10549	84 QUIDNET RD
LISK TIMOTHY E & ELIZABETH A		55 HICKS POINT RD	DUXBURY	MA	02332	88 QUIDNET RD
QUIDNET PROPERTIES LLC	C/O KEITH M YANKOW	PO BOX 742	MOUNT KISCO	NY	10549	90 QUIDNET RD

SWART GREGORY S & ANN CAMERON K		40 SEAFIRTH PLACE	TIBURON	CA	94920	94 QUIDNET RD
QUIDNET PROPERTIES LLC	C/O HARVEY EISEN	PO BOX 742	MOUNT KISCO	NY	10549	90 QUIDNET RD
LISK TIMOTHY E & ELIZABETH A		55 HICKS POINT RD	DUXBURY	MA	02332	88 QUIDNET RD
.ER MARLIN JR ETAL TRUSTEES	QUIDNET PARTNERSHIP NOM TRUST	211 NORTH PULPEHOCKEN ROAD	READING	PA	19601	74 QUIDNET RD
MILLER MARLIN JR TRST	QUIDNET PROPERTY TRUST	211 NORTH TULPEHOCKEN RD	READING	PA	19601	72 QUIDNET RD
'ERRY ANTHONY G & TERESA G		61 OLD SOUTH RD #133	NANTUCKET	MA	02554	67 QUIDNET RD
LISK TIMOTHY E & ELIZABETH A		55 HICKS POINT RD	DUXBURY	MA	02332	65 QUIDNET RD

AVERY 5160
Easy Peel® Address Labels
Bend along line to expose Pop-up Edge
Go to avery.com/templates
Use Avery Template 5160

QUIDNET PROPERTIES LLC
C/O HARVEY EISEN
PO BOX 742
MOUNT KISCO, NY 10549

QUIDNET PROPERTIES LLC
C/O HARVEY EISEN
PO BOX 742
MOUNT KISCO, NY 10549

ACK86QR LLC
86 QUIDNET ROAD
NANTUCKET, MA 02554

QUINLISK TIMOTHY E & ELIZABETH A
55 HICKS POINT RD
DUXBURY, MA 02332

QUIDNET PROPERTIES LLC
C/O HARVEY EISEN
PO BOX 742
MOUNT KISCO, NY 10549

MEYER BRADLEY C & ALICIA C TR
MEYER BRADLEY C REV TRUST
649 PONUS RIDGE RD
NEW CANAAN, CT 06840

GIGUERE TERESSA D TRST
61 OLD SOUTH RD #133
NANTUCKET, MA 02554

NANTUCKET ISLANDS LAND BANK
22 BROAD STREET
NANTUCKET, MA 02554

GLIDDEN RICHARD J TR
36D SESACHACHA RD REALTY TRUST
37 CENTER ST
NANTUCKET, MA 02554

SCHLOTT KIM MCMAHON
36B SESACHACHA RD
NANTUCKET, MA 02554

36C SESACHACHA ROAD LLC
124 WASHINGTON ST STE 101
FOXBOROUGH, MA 02035

GLIDDEN RICHARD J TRST
NETHERTHORPE CURRAN
11 AUSTIN STREET
LINCOLNSHIRE, UK PE9 2QR

WRIGHT ARTHUR & MARILYN
147 HILLYNDALE RD
STORRS, CT 06268

GILDEHAUS PAUL E III ETAL
3931 INTERLAKE AVE NORTH
SEATTLE, WA 98103

QUAISE REALTY LLC
C/O TERESA PERRY
61 OLD SOUTH RD #133
NANTUCKET, MA 02554

PERRY TERESSA G
61 OLD SOUTH RD #133
NANTUCKET, MA 02554

NANTUCKET TOWN OF
16 BROAD ST
NANTUCKET, MA 02554

LIPP WENDY
27 SPRING HOUSE RD
POUND RIDGE, NY 10576

LAKE VIEW VILLA II LLC
30 PEACHCROFT DR
BERNARDSVILLE, NJ 07924

HALL PERRY EDWARDS III ETAL TR
4 STURGIS PINES
NANTUCKET, MA 02554

LIPP WENDY
27 SPRING HOUSE RD
POUND RIDGE, NY 10576

ROSENFELD ERIC TR
57 QUIDNET ROAD TRUST
4001 N OCEAN BLVD APT 302
GULF STREAM, FL 33483

MILLER MARLIN JR TRST
QUIDNET PROPERTY NOM TR
211 NORTH TUPEHOCKEN RD
READING, PA 19601

QUIDNET PROPERTIES LLC
C/O HARVEY EISEN
PO BOX 742
MOUNT KISCO, NY 10549

QUIDNET PROPERTIES LLC
C/O KEITH M YANKOW
P O BOX 742
MOUNT KISCO, NY 10549

QUINLISK TIMOTHY E & ELIZABETH A
55 HICKS POINT RD
DUXBURY, MA 02332

QUIDNET PROPERTIES LLC
C/O KEITH M YANKOW
PO BOX 742
MOUNT KISCO, NY 10549

SWART GREGORY S & ANN CAMERON K
40 SEAFIRTH PLACE
TIBURON, CA 94920

QUIDNET PROPERTIES LLC
C/O HARVEY EISEN
PO BOX 742
MOUNT KISCO, NY 10549

QUINLISK TIMOTHY E & ELIZABETH A
55 HICKS POINT RD
DUXBURY, MA 02332

Pat: avery.com/patents
Étiquettes d'adresse Easy Peel®
Repliez à la hachure afin de révéler le rebord Pop-up
Allez à avery.ca/gabarits
Utilisez le Gabarit Avery 5160

AVERY 5160
Easy Peel Address Labels
Bend along line to expose Pop-up Edge
Go to avery.com/templates
Use Avery Template 5160

MILLER MARLIN JR ETAL TRUSTEES
QUIDNET PARTNERSHIP NOM TRUST
211 NORTH PULPEHOCKEN ROAD
READING, PA 19601

MILLER MARLIN JR TRST
QUIDNET PROPERTY TRUST
211 NORTH TULPEHOCKEN RD
READING, PA 19601

PERRY ANTHONY G & TERESA G
61 OLD SOUTH RD #133
NANTUCKET, MA 02554

QUINLISK TIMOTHY E & ELIZABETH A
55 HICKS POINT RD
DUXBURY, MA 02332

Pat: avery.com/patents
Étiquettes d'adresse Easy Peel®
Repliez à la hachure afin de révéler le rebord Pop-up™
Allez à avery.ca/gabarits
Utilisez le Gabarit Avery 5160

WISENTANER, Inc.

25 & 27 YOUNG'S WY.

FILE NO. 12-21

MODIFICATION SPECIAL PERMIT

NANTUCKET
TOWN CLERK

2021 MAY 28 PM 2:21

Zoning Board of Appeals
MAY 14 2021
RECEIVED

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554

PLANNING OFFICE
MAY 14 REC'D
RECEIVED

APPLICATION

Fee: $450.00 **File No.** 12.21

Owner's name(s): Wisentaner, Inc.

Mailing address: 101 Old South Road

Phone Number: 508-776-3784 E-Mail: wisentanerlithic@gmail.com

Applicant's name(s): Lisa Wisentaner

Mailing Address: 101 Old South Road

Phone Number: 508-332-0571 E-Mail: info@nantucketfitness

Locus Address: 25 and 27 Youngs Way Assessor's Map/Parcel: 68/688 & 689

Land Court Plan/Plan Book & Page/Plan File No.: Lots 24 & 23, Plan No. 2003-10

Deed Reference/Certificate of Title: Book 1323, Page 115 Book 1607, Page 179 Zoning District CTEC

Uses on Lot- Commercial: None X Yes (describe) Fitness Center (Recreational Use)
Residential: Number of dwellings 0 Duplex 0 Apartments 0

Date of Structure(s): all pre-date 7/72 _____ or 2012

Building Permit Numbers: 1442-12

Previous Zoning Board Application Numbers: 037-12

State below or attach a separate addendum of specific special permits or variance relief applying for:

See attached list of waivers.

I certify that the information contained herein is substantially complete and true to the best of my knowledge, under the pains and penalties of perjury.

SIGNATURE: Jon Wisentaner Owner*

SIGNATURE: Lisa Wisentaner Applicant/Attorney/Agent*

*If an Agent is representing the Owner or the Applicant, please provide a signed proof of agency.

OFFICE USE ONLY

Application received on:__/__/__ By:_____ Complete:_____ Need Copies:_____
Filed with Town Clerk:_/_/_ Planning Board:_/_/_ Building Dept.:_/_/_ By:____
Fee deposited with Town Treasurer:_/_/_ By:____ Waiver requested:_____
Granted:__/__/__ Hearing notice posted with Town Clerk:_/_/__ Mailed:__/__/__
I&M__/__/__ &__/__/__ Hearing(s) held on:__/__/__ Opened on :__/__/__
Continued to:__/__/__ Withdrawn:__/__/__ Decision Due By:__/__/__
Made:__/__/__ Filed w/Town Clerk:__/__/__ Mailed:__/__/__

Addendum to application for Wisentaner, Inc. 25 and 27 Youngs Way (Map 68, Parcels 688 and 689)

Applicant is seeking a modification of previously granted ZBA Special Permit (File No. 037-12, filed at the Nantucket Registry of Deeds in Book 1347, Page 181) in order to convert a portion of the existing parking lot to an 1,800 square foot turf fitness area that will be located to the southwest of the existing structure. The building occupancy of the existing structure is set at 43 persons by the Building Code and the applicant proposes to maintain that number for both indoor and outdoor fitness areas.

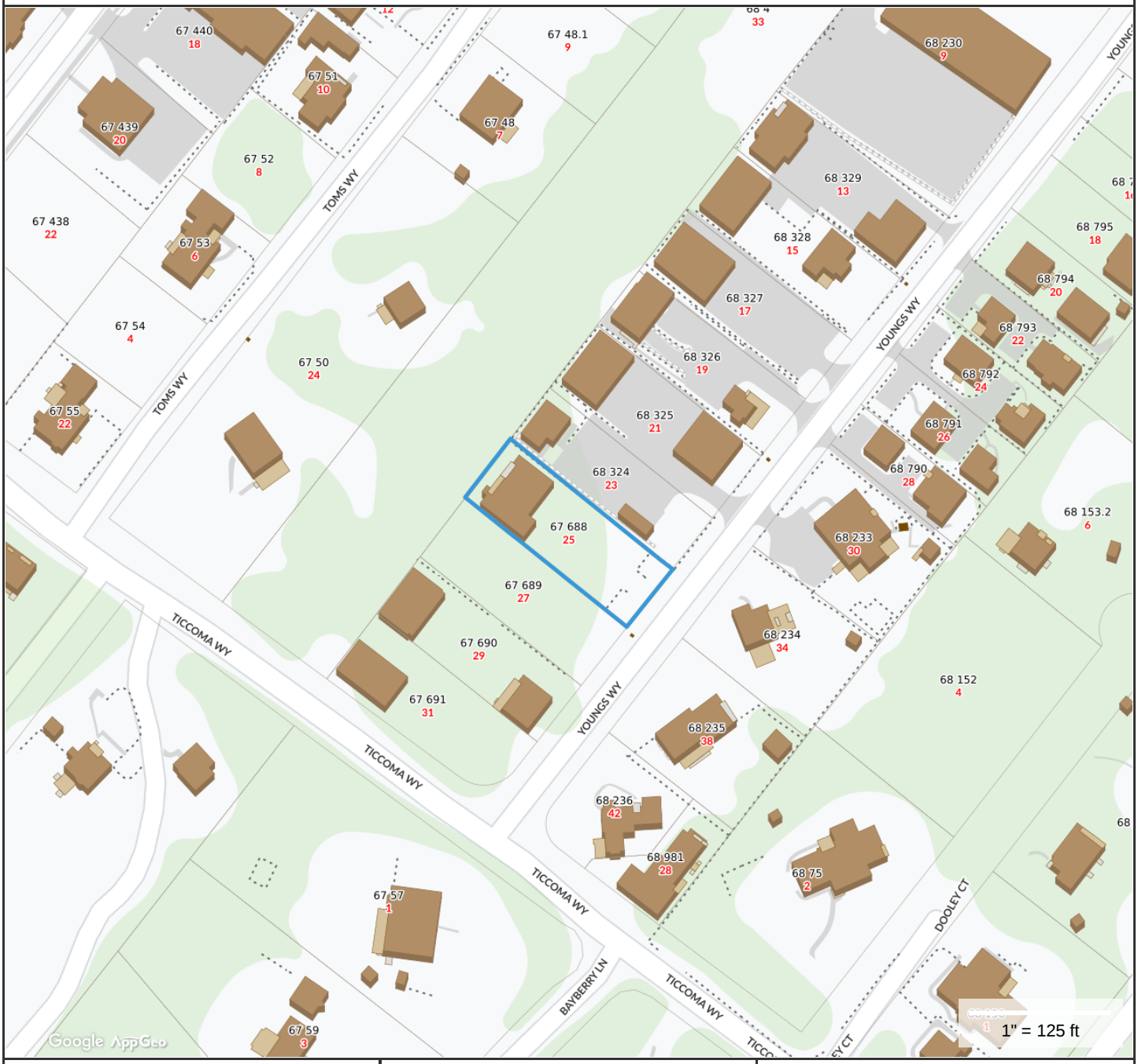
The total number of off-street parking spaces required is one space for each 3 employees at peak shift and one space for each 3 persons of total certified building occupancy, which totals 14 spaces (43/3 = 14.33). Applicant notes that the prior ZBA special permit included a higher occupancy estimation, which resulted in a count of 19 spaces as opposed to the actual number of 14 that is required. A loading zone, which is no longer required due to a change in the Zoning Bylaw, was shown on the previously approved plan and is proposed to be removed since this business does not require frequent deliveries and ample space is available within the parking area to accommodate the occasional UPS or Federal Express delivery.

No changes to the approved hours of operation are proposed.

Applicant proposes to modify the conditions of the prior decision as follows: eliminate condition 6a as it not longer applies because the lots are now in common ownership, modify condition 6c to address the outdoor fitness area, modify condition 6d as it no longer applies because the lots are in common ownership.

Applicant seeks the following waivers, to the extent necessary, from the Zoning Bylaw:

1. Number of on-site parking spaces (139-18B).
2. Aisle width (139-18A(9)).
3. Open area (139-16E)



Property Information

Property ID	67 688
Location	25 YOUNGS WY
Owner	WISENTANER INC

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 05/18/2021
Data updated Jan. 2021

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

CURRENT ZONING CLASSIFICATION:
Commercial Trade, Entrepreneurship and Craft (CTEC)

		Existing LOT 23:	Existing LOT 24:
MINIMUM LOT SIZE:	10,000 S.F.	10,779 S.F.±	10,781 S.F.±
MINIMUM FRONTAGE:	50 FT.	SEE PLAN	SEE PLAN
FRONT YARD SETBACK:	10 FT.	SEE PLAN	SEE PLAN
SIDE SETBACK:	5 FT.	SEE PLAN	SEE PLAN
REAR SETBACK:	10 FT.	SEE PLAN	SEE PLAN
GROUND COVER % :	40%	0%	19.3%

REF. 2019 ATM ARTICLE 42 RC-2 TO CETEC
REF. SPECIAL PERMIT DEED Bk. 1347, PG. 189

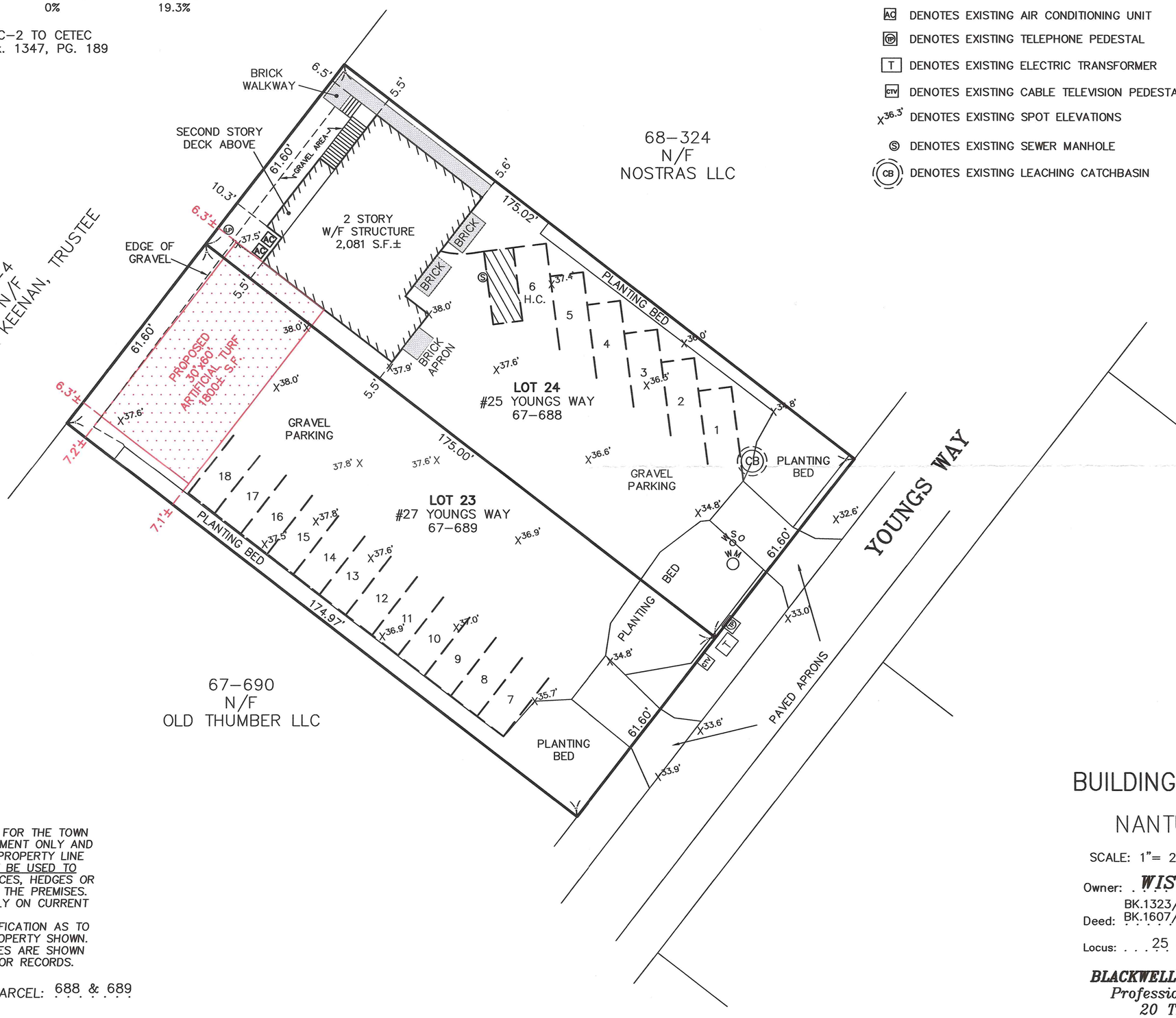
OPEN SPACE:

#25 YOUNGS WAY
EXISTING OPEN SPACE:
2,234± S.F.
(20.7% OF LOT)

#27 YOUNGS WAY
PROPOSED OPEN SPACE
4,010± S.F.
(37.2% OF LOT)

LEGEND

- DENOTES EXISTING WATER SHUTOFF FOUND
- DENOTES EXISTING WATER METER FOUND
- DENOTES EXISTING LIQUID PROPANE TANK
- DENOTES EXISTING AIR CONDITIONING UNIT
- DENOTES EXISTING TELEPHONE PEDESTAL
- DENOTES EXISTING ELECTRIC TRANSFORMER
- DENOTES EXISTING CABLE TELEVISION PEDESTAL
- DENOTES EXISTING SPOT ELEVATIONS
- DENOTES EXISTING SEWER MANHOLE
- DENOTES EXISTING LEACHING CATCHBASIN



COMMONWEALTH OF MASSACHUSETTS
JEFFREY L. BLACKWELL
No 35388
PROFESSIONAL LAND SURVEYOR

THIS PLOT PLAN WAS PREPARED FOR THE TOWN OF NANTUCKET BUILDING DEPARTMENT ONLY AND SHOULD NOT BE CONSIDERED A PROPERTY LINE SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD.
THIS PLOT PLAN IS NOT A CERTIFICATION AS TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESSOR RECORDS.

ASSESSOR MAP: 67 , PARCEL: 688 & 689

T:\ART 25 JOB 4
V:\DRAWFILES\B7529\SP.dwg 5/17/2021 10:20:56 AM EDT

BUILDING LOCATION PLAN

OF LAND IN

NANTUCKET, MASS.

SCALE: 1"= 20' DATE: MAY 14, 2021

Owner: WISENTANER, INC.
Deed: BK.1323/115 LOT 24
BK.1607/179 LOT 23 Plan: 2003-10

Locus: 25 & 27 YOUNGS WAY

BLACKWELL and ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026

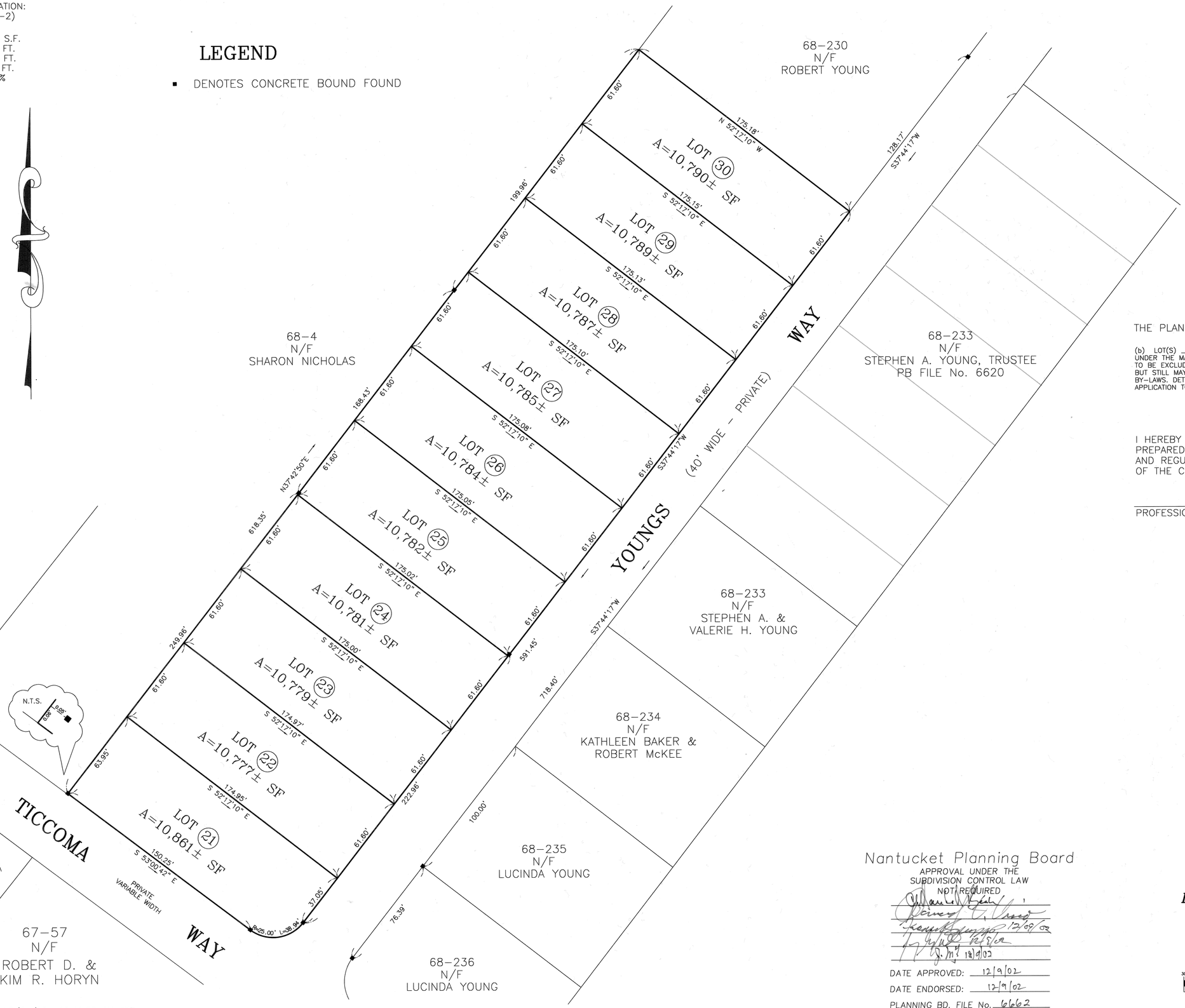
7529

CURRENT ZONING CLASSIFICATION:
Residential Commercial (RC-2)

MINIMUM LOT SIZE: 5000 S.F.
MINIMUM FRONTAGE: 40 FT.
FRONT YARD SETBACK: 20 FT.
REAR/SIDE SETBACK: 5 FT.
GROUND COVER % : 50%

LEGEND

■ DENOTES CONCRETE BOUND FOUND



NANTUCKET REGISTRY OF DEEDS
Date: MAR 14 2003
Time: 11:50 AM
Plan No.: 03-10
Attest: Joanne F. Kelley Register

RESERVED FOR REGISTRY USE

THE PLANNING BOARD DETERMINES THAT:

(b) LOT(S) 21-30 DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BY-LAW BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BY-LAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REIGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

Jeffrey L. Blackwell 12-4-02
PROFESSIONAL LAND SURVEYOR DATE

COMMONWEALTH OF MASSACHUSETTS
JEFFREY L. BLACKWELL
No. 35368
REGISTERED PROFESSIONAL LAND SURVEYOR
12-4-02

PLAN OF LAND
in Nantucket, MA
Prepared For Owner
STURGIS PINES NOMINEE TRUST

#15 & #19 YOUNGS WAY
MAP 68 PARCELS 231 & 232
DEED BOOK 731 PAGE 167
PLAN FILE 12D LOTS 5 & 6

Scale: 1"=30' Nov. 20, 2002

Nantucket Planning Board
APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED
12/9/02
DATE APPROVED: 12/9/02
DATE ENDORSED: 12/9/02
PLANNING BD. FILE No. 6662

BLACKWELL and ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRLCE
NANTUCKET, MASS. 02554
(508) 228-9026

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

B5904

\ART25 #4
C:\proj\adg\b5904\anr.dwg 12/04/02 10:11:09 AM EST

2012 00003042
Bk: 1347 Pg: 181 Page: 1 of 6
Doc: SP 10/09/2012 03:17 PM

RECEIVED
2012 SEP 14 AM 10 53
NANTUCKET TOWN CLERK

TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MASSACHUSETTS 02554

Date: September 14, 2012

To: Parties in Interest and Others concerned with the Decision of The BOARD OF APPEALS in the Application of the following:

Application No: 037-12

Owner/Applicant: LUCINDA YOUNG, TRUSTEE OF STURGIS PINES NOMINEE TRUST AS OWNER; WISENTANER, INC., AS APPLICANT AND OWNER

Enclosed is the Decision of the BOARD OF APPEALS which has this day been filed with the office of the Nantucket Town Clerk.

An Appeal from this Decision may be taken pursuant to Section 17 of Chapter 40A, Massachusetts General Laws.

Any action appealing the Decision must be brought by filing a complaint in Land Court within TWENTY (20) days after this day's date. Notice of the action with a copy of the complaint and certified copy of the Decision must be given to the Town Clerk so as to be received within such TWENTY (20) days.

Edward S. Toole, Chairman

cc: Town Clerk
Planning Board
Building Commissioner/Zoning Enforcement Officer

PLEASE NOTE: MOST SPECIAL PERMITS AND VARIANCES HAVE A TIME LIMIT AND WILL EXPIRE IF NOT ACTED UPON ACCORDING TO NANTUCKET ZONING BY-LAW SECTION 139-30 (SPECIAL PERMITS); SECTION 139-32 (VARIANCES). ANY QUESTIONS, PLEASE CALL THE NANTUCKET ZONING BOARD OF APPEALS OFFICE AT 508-228-7215.

NANTUCKET ZONING BOARD OF APPEALS
2 Fairgrounds Road
Nantucket, Massachusetts 02554

Assessor's Map 67, Parcels 688 and 689
25 and 27 Young's Way
Residential Commercial - 2

Book 1323, Page 115;
Book 731, Page 167
Lot 24 and 23, Plan 2003-10

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Thursday, June 14, 2012, at 12:00 P.M., at 4 Fairgrounds Road, Nantucket, Massachusetts, the Board made the following decision on the application of **LUCINDA YOUNG, TRUSTEE OF STURGIS PINES NOMINEE TRUST AS OWNER**, and **WISENTANER, INC. AS APPLICANT AND OWNER**, both c/o 8 Moors End Lane, Nantucket, MA 02554, File No. 037-12:

2. Applicant is requesting Special Permit relief pursuant to Nantucket Zoning Bylaw Section 139-30 (Special Permits) in order to operate a 3,600 square foot recreational facility pursuant to Section 139-7.A (use chart - allowed uses by Special Permit) on 25 Young's Way. The Applicant also seeks a Special Permit pursuant to Section 139-18.B.(1) (parking) to allow parking on the adjacent property at 27 Young's Way. Said use is allowed in the Residential Commercial - 2 zoning district by Special Permit relief. The Locus is situated at 25 and 27 Young's Way, is shown on Nantucket Tax Assessor's Map 67 as Parcel 688 and 689, is shown as Lots 24 and 23 on Plan 2003-10, and is recorded at the Nantucket County Registry of Deeds in Book 1323, Page 115 and Book 731, Page 167, respectively. The property is zoned Residential Commercial - 2.

3. Our decision is based upon the application and accompanying materials, and representations and testimony received at our public hearing. There was no Planning Board recommendation on the basis that no matters of planning concern were presented. There were no letters on file in support of, or in opposition to, the project.

4. Attorney Sarah F. Alger represented the Applicant at the hearing. At the hearing, Attorney Alger explained to the Board that the Applicant is requesting Special Permit relief pursuant to Nantucket Zoning Bylaw Section 139-30 (Special Permits) in order to operate a 3,600 square foot recreational facility pursuant to Section 139-7.A (use chart - allowed uses by Special Permit) on 25 Young's Way.

Additionally, the Applicant is requesting Special Permit relief pursuant to Section 139-18.B.(1) (parking) to allow parking on the adjacent property at 27 Young's Way. The Applicant proposes to limit the building occupancy to no more than 51 persons at any one time and to have a maximum of six (6) employees at peak shift.

Section 139-18.D. of the Bylaw requires 1 space for each 3 employees at peak shift and 1 space for each 3 persons of certified building occupancy. The proposed use therefore requires 19 spaces and the Applicant is providing these spaces on the Loci as shown on the site plan entitled, "Site Plan to Accompany a Z.B.A. Application," prepared by Blackwell and Associates, Inc., dated May 14, 2012, attached hereto as "Exhibit A." The Applicant also proposes to provide the required loading zone and to screen the parking area from all adjacent properties.

5. After a discussion between the Board and the Applicant, the Board found that Special Permit relief for the recreational facility and for the Applicant to provide parking on the adjacent lot via lease would be in harmony with the purpose and intent of the Zoning Bylaw because such a use is appropriate in the Residential Commercial - 2 zoning district.

6. Accordingly, by a UNANIMOUS vote of the sitting Board of Appeals, the Board found that Special Permit relief for a recreational facility on 25 Young's Way and parking for said use on the adjacent lot as shown on the plan entitled, "Site Plan to Accompany a Z.B.A. Application," prepared by Blackwell and Associates, Inc., dated May 14, 2012, attached hereto as "Exhibit A", is granted with the following conditions:

a. That there shall be a lease between the Applicant and the property owner of 27 Young's Way (Map 67, Parcel 689) to allow thirteen (13) parking spaces to be sited on 27 Young's Way and notice of said lease shall be recorded;

b. That the hours of operation of the recreational facility shall be from 5:30 A.M. to 8:30 P.M.;

c. That the windows and doors shall be closed while the building is in use;

d. That should the lease between the Applicant and the owner of 27 Young's Way terminate, then the Applicant shall cease the operation of said recreational facility.

SIGNATURE PAGE TO FOLLOW

Dated: Sept 13, 2012

Edward Toole

Michael J. O'Mara

Kerim Koseatac

Susan McCarthy

Michael Angelastro

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss. Sept 13, 2012

On this 13 day of Sept, 2012, before me, the undersigned Notary Public, personally appeared Edward Toole, who is personally known to me, and who is the person whose name is signed on the preceding or attached document, and who acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public: John B Fischer
My commission expires: 7/19/2014

OCT 09 2012

JOHN B. FISCHER NOTARY PUBLIC

I HEREBY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED PURSUANT TO GENERAL LAWS 40A, SECTION 11

TOWN CLERK

ATTEST: A TRUE COPY

NANTUCKET TOWN CLERK

THIS PLOT PLAN WAS PREPARED FOR THE TOWN OF NANTUCKET ZONING BOARD OF APPEALS ONLY. SHOULD NOT BE CONSIDERED A PROPERTY LINE SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD. THIS PLOT PLAN IS NOT A CERTIFICATION AS TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESOR RECORDS. USE FOR PERMITTING PURPOSES ONLY

PROPOSED USE CALCULATIONS

25 YOUNGS WAY

LOT AREA = 10,782± SF
MAX. BUILDING OCCUPANCY = UP TO 51
1 SPACE/ 3 OCCUPANTS = 17 SPACES
MAX. PEAK SHIFT EMPLOYEES = UP TO 6
1 SPACE/ 3 EMPLOYEES = 2 SPACES
TOTAL PARKING SPACES REQUIRED = 19
TOTAL PARKING SPACES PROVIDED = 6
PROPOSED DRIVEWAY, PARKING &
STRUCTURE AREA = 8,068± SF = 75% ±
REMAINING "GREEN" SPACE = 2,714± SF = 25% ±

27 YOUNGS WAY

LOT AREA = 10,779± SF
TOTAL PARKING SPACES REQUIRED = 0
TOTAL PARKING SPACES PROVIDED = 13
PROPOSED DRIVEWAY &
PARKING AREA = 7,575± SF = 70% ±
REMAINING "GREEN" SPACE= 3,204± SF= 30% ±

COMBINED

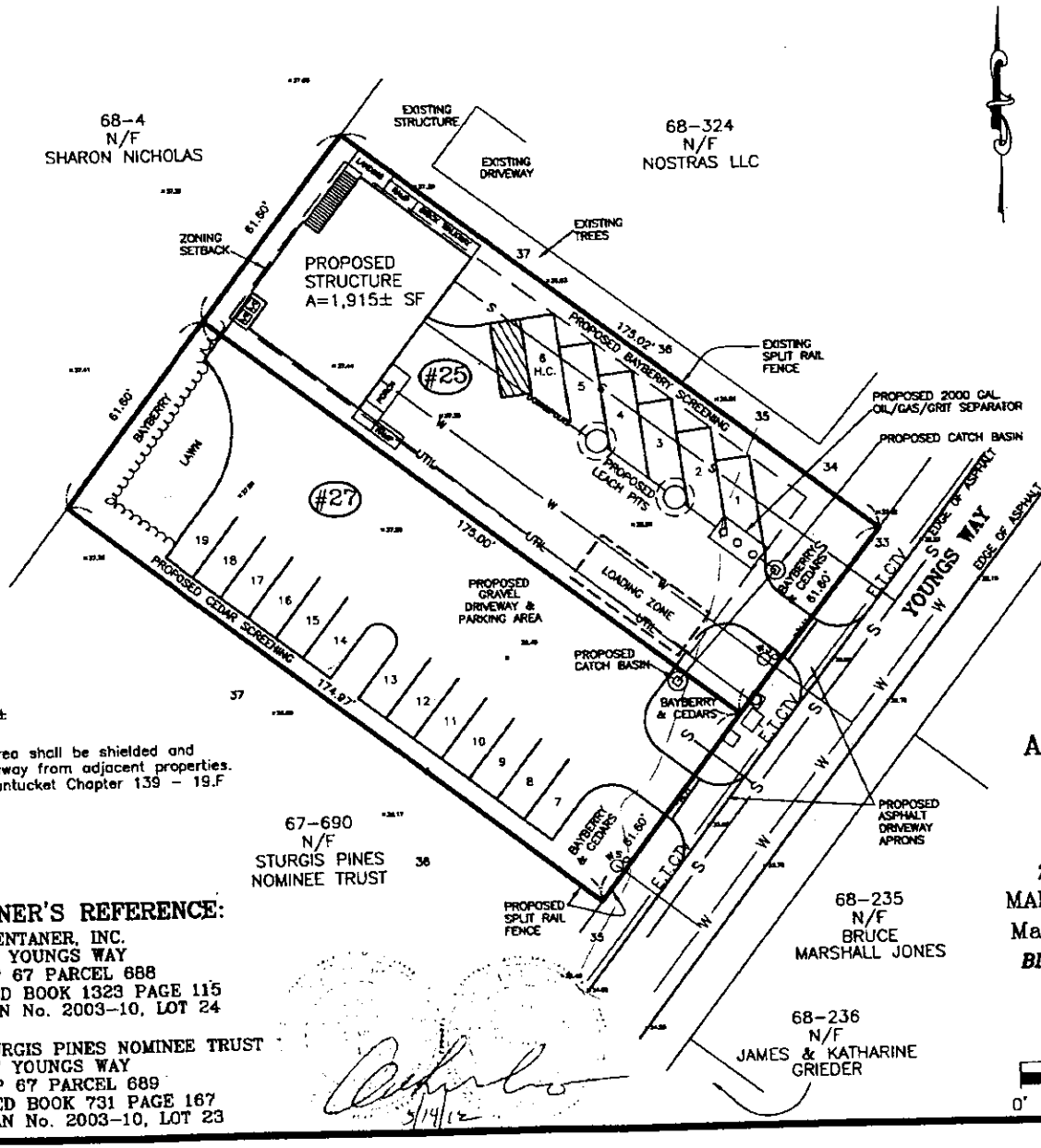
LOT AREA = 21,561± SF
TOTAL PARKING SPACES REQUIRED = 19
TOTAL PARKING SPACES PROVIDED = 19
PROPOSED DRIVEWAY &
PARKING AREA = 15,643± SF = 73% ±
REMAINING "GREEN" SPACE = 5,918± SF = 27% ±

Lighting fixtures used to illuminate any outside area shall be shielded and aimed to direct light away from the street and away from adjacent properties. in conformance with the Code of the Town of Nantucket Chapter 139 – 19.F

Nantucket Zoning Board of Appeals

DATE APPROVED: _____

ZONING BD. FILE No. _____



CURRENT ZONING CLASSIFICATION: Residential Commercial (RC-2)

MINIMUM LOT SIZE:	5000 S.F.
MINIMUM FRONTAGE:	40 FT.
FRONT YARD SETBACK:	20 FT.
REAR/SIDE SETBACK:	5 FT.
GROUND COVER % :	50%

NOTE:
LOT IS WITHIN THE PUBLIC WELLHEAD RECHARGE DISTRICT

LEGEND

- W — PROPOSED WATER SERVICE
- S — PROPOSED SEWER SERVICE
- 34 EXISTING SURFACE CONTOUR
- EXISTING SPOT ELEVATION
- EXISTING WATER SERVICE

OWNER'S REFERENCE:

WISENTANER, INC.
#25 YOUNGS WAY
MAP 67 PARCEL 688
DEED BOOK 1323 PAGE 115
PLAN No. 2003-10, LOT 24

STURGIS PINES NOMINEE TRUST
#27 YOUNGS WAY
MAP 67 PARCEL 689
DEED BOOK 731 PAGE 167
PLAN No. 2003-10, LOT 23

SITE PLAN TO ACCOMPANY A Z.B.A. APPLICATION

Prepared For

WISENTANER, INC.

25 & 27 YOUNGS WAY
MAP 67 PARCELS 688 & 689
May 14, 2012 Scale: 1"=30'

BLACKWELL and ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026

GRAPHIC SCALE
0' 15' 30' 60' 90'

B7529

J:\DRAWFILES\87529\SP-ZBA-1.dwg 5/14/2012 7:24:09 AM EDT

NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Register of Deeds
Bk: 01347 Pg: 186

Town of Nantucket

Zoning Board of Appeals

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER..... WISENTANER INC .....

MAILING ADDRESS..... 61 OLD SOUTH RD #316, NANTUCKET MA 02554 .....

PROPERTY LOCATION..... 27 YOUNGS WY .....

ASSESSOR MAP/PARCEL..... 67-689 .....

APPLICANT..... WISENTANER .....

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of abutting property, owners of land directly opposite on any public or private street or way; and abutters of the abutters and all other land owners within 300 feet of the property line of owner's property, all as they appear on the most recent applicable tax list (M.G.L. c. 40A, Section 11 Zoning Code Chapter 40A Section 139-2

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of Nantucket, ou=Assessor's Office, email=rranney@nantucket-ma.gov, c=US
Date: 2021.05.12 14:43:37 -04'00'

5-12-2021

DATE

ASSESSOR'S OFFICE
Town of Nantucket

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
67	48		STACKPOLE JOHN J TR	LYNVIC REAL ESTATE TRUST	PO BOX 398	NANTUCKET	MA	02554	7 TOMS WY
67	50		THURSTON SUSAN E TR	S WARREN REALTY TRUST	PO BOX 405	NANTUCKET	MA	02554	24 TICCOMA WY
67	52		MCINTOSH KATHLEEN		9 ARLINGTON ROAD	NATICK	MA	01760	8 TOMS WY
67	53		SANTOS WILLIAM F		PO BOX 2714	NANTUCKET	MA	02584	6 TOMS WY
67	54		SANTOS SARAH E		4 TOMS WAY	NANTUCKET	MA	02554	4 TOMS WY
67	55		SANTOS THOMAS J & ROBERTA D		PO BOX 76	SIASCONSET	MA	02564	22 TICCOMA WY
67	57		JENKINSON MARIANNE		1 BAYBERRY LN	NANTUCKET	MA	02554	1 BAYBERRY LN
67	162		CONWAY RYAN P		P O BOX 2261	NANTUCKET	MA	02584	21 TICCOMA WY
67	163		FERRANTELLA LINDA E TR		PO BOX 1357	NANTUCKET	MA	02554	25 TICCOMA WY
67	688		WISENTANER INC		61 OLD SOUTH RD #316	NANTUCKET	MA	02554	25 YOUNGS WY
67	689		WISENTANER INC		61 OLD SOUTH RD # 316	NANTUCKET	MA	02554	27 YOUNGS WY
67	690		OLD THUMBER LLC		BOX 3524	NANTUCKET	MA	02584	29 YOUNGS WY
67	691		REID ROBERT J TR ETAL	APB REALTY TRUST	32 HOOPER FARM RD	NANTUCKET	MA	02554	31 YOUNGS WY
68	4		NANTUCKET OLD SOUTH LLC		10 TURNPIKE ROAD	SOUTHBOROUGH	MA	01772	33 OLD SOUTH RD
68	74		LOUDERBACK PETER D TRST ETAL		2 BAYBERRY LN	NANTUCKET	MA	02554	2 BAYBERRY LN
68	75		YEAKEL G SCOTT & NANCY J		P O BOX 422	MIDDLEBURG	VA	20118	2 DOOLEY CT
68	152		BORGES RICHARD & KAREN		1236 HATFIELD RD	HOPKINTON	NH	03229	4 DOOLEY CT
68	153	2	MAXWELL DERRICK		PO BOX 3554	NANTUCKET	MA	02584	6 DOOLEY CT
68	233		ALPERT MICHAEL J & SMITH ALISON B		PO BOX 3031	NANTUCKET	MA	02584	30 YOUNGS WY
68	234		BAKER KATHLEEN & MCKEE ROBERT D		22 YOUNGS WAY	NANTUCKET	MA	02554	34 YOUNGS WY
68	235		REDCLIFF LLC		2 HELENS DR	NANTUCKET	MA	02554	38 YOUNGS WY
68	236		GRIEDER JAMES E & KATHARINE R		42 YOUNGS WY	NANTUCKET	MA	02554	42 YOUNGS WY
68	324		NOSTRAS LLC		P O BOX 3306	NANTUCKET	MA	02584	23 YOUNGS WY
68	325		NOSTRAS LLC		P O BOX 3306	NANTUCKET	MA	02584	21 YOUNGS WY
68	326		JOHNSON GAIL N & BERTYL V JR		PO BOX 3270	NANTUCKET	MA	02554	19 YOUNGS WY
68	327		VISCO DAVID F TRST ETAL		4 RACHEL DRIVE	NANTUCKET	MA	02554	17 YOUNGS WY
68	790		WINTERS LINDSEY HARRINGTON		28 YOUNGS WY	NANTUCKET	MA	02554	28 YOUNGS WY
68	791		NANTUCKET COTTAGE HOSPITAL		57 PROSPECT STREET	NANTUCKET	MA	02554	26 YOUNGS WY

68	981		ERICHSEN THOMAS & JENNIFER		28 TICCOMA WY	NANTUCKET	MA	02554	28 TICCOMA WY
Count:	**29**								

STACKPOLE JOHN J TR
LYNVIC REAL ESTATE TRUST
PO BOX 398
NANTUCKET, MA 02554

THURSTON SUSAN E TR
S WARREN REALTY TRUST
PO BOX 405
NANTUCKET, MA 02554

MCINTOSH KATHLEEN
9 ARLINGTON ROAD
NATICK, MA 01760

SANTOS WILLIAM F
PO BOX 2714
NANTUCKET, MA 02584

SANTOS SARAH E
4 TOMS WAY
NANTUCKET, MA 02554

SANTOS THOMAS J & ROBERTA D
PO BOX 76
SIASCONSET, MA 02564

JENKINSON MARIANNE
1 BAYBERRY LN
NANTUCKET, MA 02554

CONWAY RYAN P
P O BOX 2261
NANTUCKET, MA 02584

FERRANTELLA LINDA E TR
PO BOX 1357
NANTUCKET, MA 02554

WISENTANER INC
61 OLD SOUTH RD #316
NANTUCKET, MA 02554

WISENTANER INC
61 OLD SOUTH RD # 316
NANTUCKET, MA 02554

OLD THUMBER LLC
BOX 3524
NANTUCKET, MA 02584

REID ROBERT J TR ETAL
APB REALTY TRUST
32 HOOPER FARM RD
NANTUCKET, MA 02554

NANTUCKET OLD SOUTH LLC
10 TURNPIKE ROAD
SOUTHBOROUGH, MA 01772

LOUDERBACK PETER D TRST ETAL
2 BAYBERRY LN
NANTUCKET, MA 02554

YEAKEL G SCOTT & NANCY J
P O BOX 422
MIDDLEBURG, VA 20118

BORGES RICHARD & KAREN
1236 HATFIELD RD
HOPKINTON, NH 03229

MAXWELL DERRICK
PO BOX 3554
NANTUCKET, MA 02584

ALPERT MICHAEL J & SMITH ALISON B
PO BOX 3031
NANTUCKET, MA 02584

BAKER KATHLEEN & MCKEE ROBERT D
22 YOUNGS WAY
NANTUCKET, MA 02554

REDCLIFF LLC
2 HELENS DR
NANTUCKET, MA 02554

GRIEDER JAMES E & KATHARINE R
42 YOUNGS WY
NANTUCKET, MA 02554

NOSTRAS LLC
P O BOX 3306
NANTUCKET, MA 02584

NOSTRAS LLC
P O BOX 3306
NANTUCKET, MA 02584

JOHNSON GAIL N & BERTYL V JR
PO BOX 3270
NANTUCKET, MA 02554

VISCO DAVID F TRST ETAL
4 RACHEL DRIVE
NANTUCKET, MA 02554

WINTERS LINDSEY HARRINGTON
28 YOUNGS WY
NANTUCKET, MA 02554

NANTUCKET COTTAGE HOSPITAL
57 PROSPECT STREET
NANTUCKET, MA 02554

ERICHSEN THOMAS & JENNIFER
28 TICCOMA WY
NANTUCKET, MA 02554

Town of Nantucket

Zoning Board of Appeals

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER..... WISENTANER INC

MAILING ADDRESS..... 61 OLD SOUTH RD #316, NANTUCKET MA 02554

PROPERTY LOCATION..... 25 YOUNGS WY

ASSESSOR MAP/PARCEL..... 67-688

APPLICANT..... WISENTANER

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of abutting property, owners of land directly opposite on any public or private street or way; and abutters of the abutters and all other land owners within 300 feet of the property line of owner's property, all as they appear on the most recent applicable tax list (M.G.L. c. 40A, Section 11 Zoning Code Chapter 40A Section 139-2

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of Nantucket, ou=Assessor's Office, email=rranney@nantucket-ma.gov, c=US
Date: 2021.05.12 16:11:15 -04'00'

5-12-2021
DATE

ASSESSOR'S OFFICE
Town of Nantucket

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
67	48		STACKPOLE JOHN J TR	LYNVIC REAL ESTATE TRUST	PO BOX 398	NANTUCKET	MA	02554	7 TOMS WY
67	48	1	STACKPOLE JOHN J TR	LYNVIC REAL ESTATE TRUST	PO BOX 398	NANTUCKET	MA	02554	9 TOMS WY
67	50		THURSTON SUSAN E TR	S WARREN REALTY TRUST	PO BOX 405	NANTUCKET	MA	02554	24 TICCOMA WY
67	51		SANTOS PATRICIA		PO BOX 2150	NANTUCKET	MA	02584	10 TOMS WY
67	52		MCINTOSH KATHLEEN		9 ARLINGTON ROAD	NATICK	MA	01760	8 TOMS WY
67	53		SANTOS WILLIAM F		PO BOX 2714	NANTUCKET	MA	02584	6 TOMS WY
67	54		SANTOS SARAH E		4 TOMS WAY	NANTUCKET	MA	02554	4 TOMS WY
67	55		SANTOS THOMAS J & ROBERTA D		PO BOX 76	SIASCONSET	MA	02564	22 TICCOMA WY
67	57		JENKINSON MARIANNE		1 BAYBERRY LN	NANTUCKET	MA	02554	1 BAYBERRY LN
67	163		FERRANTELLA LINDA E TR		PO BOX 1357	NANTUCKET	MA	02554	25 TICCOMA WY
67	688		WISENTANER INC		61 OLD SOUTH RD #316	NANTUCKET	MA	02554	25 YOUNGS WY
67	689		WISENTANER INC		61 OLD SOUTH RD # 316	NANTUCKET	MA	02554	27 YOUNGS WY
67	690		OLD THUMBER LLC		BOX 3524	NANTUCKET	MA	02584	29 YOUNGS WY
67	691		REID ROBERT J TR ETAL	APB REALTY TRUST	32 HOOPER FARM RD	NANTUCKET	MA	02554	31 YOUNGS WY
68	4		NANTUCKET OLD SOUTH LLC		10 TURNPIKE ROAD	SOUTHBOROUGH	MA	01772	33 OLD SOUTH RD
68	75		YEAKEL G SCOTT & NANCY J		P O BOX 422	MIDDLEBURG	VA	20118	2 DOOLEY CT
68	152		BORGES RICHARD & KAREN		1236 HATFIELD RD	HOPKINTON	NH	03229	4 DOOLEY CT
68	153	2	MAXWELL DERRICK		PO BOX 3554	NANTUCKET	MA	02584	6 DOOLEY CT
68	233		ALPERT MICHAEL J & SMITH ALISON B		PO BOX 3031	NANTUCKET	MA	02584	30 YOUNGS WY
68	234		BAKER KATHLEEN & MCKEE ROBERT D		22 YOUNGS WAY	NANTUCKET	MA	02554	34 YOUNGS WY
68	235		REDCLIFF LLC		2 HELENS DR	NANTUCKET	MA	02554	38 YOUNGS WY
68	236		GRIEDER JAMES E & KATHARINE R		42 YOUNGS WY	NANTUCKET	MA	02554	42 YOUNGS WY
68	324		NOSTRAS LLC		P O BOX 3306	NANTUCKET	MA	02584	23 YOUNGS WY
68	325		NOSTRAS LLC		P O BOX 3306	NANTUCKET	MA	02584	21 YOUNGS WY
68	326		JOHNSON GAIL N & BERTYL V JR		PO BOX 3270	NANTUCKET	MA	02554	19 YOUNGS WY
68	327		VISCO DAVID F TRST ETAL		4 RACHEL DRIVE	NANTUCKET	MA	02554	17 YOUNGS WY
68	328	4	MITCHELL KATE & GLOWACKI WALTER J TRS	15A YOUNGS WAY REALTY TRUST	1 MEADER ST	NANTUCKET	MA	02554	15 A YOUNGS WY #4

68	328	1	JBKJ LLC		2 SPINNAKER CIRCLE	NANTUCKET	MA	02554	15 B YOUNGS WY #1
68	328	2	JCPH LLC		2 SPINNAKER CIRLE	NANTUCKET	MA	02554	15 C YOUNGS WY #2
68	328	3	DECH LLC		2 SPINNAKER CIRCLE	NANTUCKET	MA	02554	15 D YOUNGS WY #3
68	790		WINTERS LINDSEY HARRINGTON		28 YOUNGS WY	NANTUCKET	MA	02554	28 YOUNGS WY
68	791		NANTUCKET COTTAGE HOSPITAL		57 PROSPECT STREET	NANTUCKET	MA	02554	26 YOUNGS WY
68	792		NANTUCKET COTTAGE HOSPITAL		57 PROSPECT STREET	NANTUCKET	MA	02554	24 YOUNGS WY
68	981		ERICHSEN THOMAS & JENNIFER		28 TICCOMA WY	NANTUCKET	MA	02554	28 TICCOMA WY
Count:	**34**								

STACKPOLE JOHN J TR
LYNVIC REAL ESTATE TRUST
PO BOX 398
NANTUCKET, MA 02554

STACKPOLE JOHN J TR
LYNVIC REAL ESTATE TRUST
PO BOX 398
NANTUCKET, MA 02554

THURSTON SUSAN E TR
S WARREN REALTY TRUST
PO BOX 405
NANTUCKET, MA 02554

SANTOS PATRICIA
PO BOX 2150
NANTUCKET, MA 02584

MCINTOSH KATHLEEN
9 ARLINGTON ROAD
NATICK, MA 01760

SANTOS WILLIAM F
PO BOX 2714
NANTUCKET, MA 02584

SANTOS SARAH E
4 TOMS WAY
NANTUCKET, MA 02554

SANTOS THOMAS J & ROBERTA D
PO BOX 76
SIASCONSET, MA 02564

JENKINSON MARIANNE
1 BAYBERRY LN
NANTUCKET, MA 02554

FERRANTELLA LINDA E TR
PO BOX 1357
NANTUCKET, MA 02554

WISENTANER INC
61 OLD SOUTH RD #316
NANTUCKET, MA 02554

WISENTANER INC
61 OLD SOUTH RD # 316
NANTUCKET, MA 02554

OLD THUMBER LLC
BOX 3524
NANTUCKET, MA 02584

REID ROBERT J TR ETAL
APB REALTY TRUST
32 HOOPER FARM RD
NANTUCKET, MA 02554

NANTUCKET OLD SOUTH LLC
10 TURNPIKE ROAD
SOUTHBOROUGH, MA 01772

YEAKEL G SCOTT & NANCY J
P O BOX 422
MIDDLEBURG, VA 20118

BORGES RICHARD & KAREN
1236 HATFIELD RD
HOPKINTON, NH 03229

MAXWELL DERRICK
PO BOX 3554
NANTUCKET, MA 02584

ALPERT MICHAEL J & SMITH ALISON B
PO BOX 3031
NANTUCKET, MA 02584

BAKER KATHLEEN & MCKEE ROBERT D
22 YOUNGS WAY
NANTUCKET, MA 02554

REDCLIFF LLC
2 HELENS DR
NANTUCKET, MA 02554

GRIEDER JAMES E & KATHARINE R
42 YOUNGS WY
NANTUCKET, MA 02554

NOSTRAS LLC
P O BOX 3306
NANTUCKET, MA 02584

NOSTRAS LLC
P O BOX 3306
NANTUCKET, MA 02584

JOHNSON GAIL N & BERTYL V JR
PO BOX 3270
NANTUCKET, MA 02554

VISCO DAVID F TRST ETAL
4 RACHEL DRIVE
NANTUCKET, MA 02554

MITCHELL KATE & GLOWACKI WALTER TRS
15A YOUNGS WAY REALTY TRUST
1 MEADER ST
NANTUCKET, MA 02554

JBKJ LLC
2 SPINNAKER CIRCLE
NANTUCKET, MA 02554

JCPH LLC
2 SPINNAKER CIRLE
NANTUCKET, MA 02554

DECH LLC
2 SPINNAKER CIRCLE
NANTUCKET, MA 02554

WINTERS LINDSEY HARRINGTON
28 YOUNGS WY
NANTUCKET, MA 02554

NANTUCKET COTTAGE HOSPITAL
57 PROSPECT STREET
NANTUCKET, MA 02554

NANTUCKET COTTAGE HOSPITAL
57 PROSPECT STREET
NANTUCKET, MA 02554

ERICHSEN THOMAS & JENNIFER
28 TICCOMA WY
NANTUCKET, MA 02554

LETTERS

REID BUILDERS

Town of Nantucket

Zoning Board of Appeals

2 Fairgrounds Road

Nantucket, MA 02554

Zoning Board of Appeals
JUN 07 2021
RECEIVED

June 4, 2021

RE: Support for Recent Application for 25/27 Youngs Way; Wisentaner, NCF

Members of the Board:

I am writing today to express my support for the recent application filed by Lisa Wisentaner, of Nantucket Cycling & Fitness, requesting modified parking and change of use at 25/27 Youngs Way. Personally, having had difficulty with approval for my own plans in the neighborhood based on assumptions, I felt it was important for me to reach out with my support for the Fitness Center's plans, which I consider to be good for the community.

With my property, located at 31 Youngs Way, I have never experienced any issues with the parking associated with the fitness center. I believe Lisa to be conscientious of her neighbor's needs and her request seems well thought out, as far as the hours associated with the potential outdoor fitness classes. Due to Covid restrictions, it seems this is a reasonable request as the best use of the property to keep her business healthy, while also contributing to the health of our community overall.

I appreciate you all taking the time to read and consider my support.

Kind Regards,

Rob Reid

End of Packet